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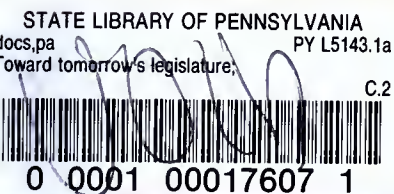
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THE PENNSYLVANIA GENERAL ASSEMBLY'S
COMMISSION FOR LEGISLATIVE MODERNIZATION



TOWARD TOMORROW'S LEGISLATURE

THE REPORT OF THE COMMISSION

THEODORE L. HAZLETT, JR. JAMES A. MICHENER
Co-Chairmen

*Additional copies of this Report are available from the Secretary of the Senate
or the Chief Clerk of the House, Capitol, Harrisburg*

THE COMMISSION FOR LEGISLATIVE MODERNIZATION

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Members of the General Assembly
Main Capitol Building
Harrisburg, Pennsylvania

Members of the House and Senate:

We are pleased to transmit to you the report of your Commission for Legislative Modernization. The report contains a group of carefully considered, inter-related recommendations which the Commission wishes to make to you after several months of intensive study and discussion of the Pennsylvania General Assembly.

The Commission is hopeful that you will implement all of our recommendations, for they are designed to make the individual legislator more effective and to improve the operations of your General Assembly.

Time has been the Commission's greatest enemy. The legislature is a big business with many aspects, procedures, inter-relationships and responsibilities. It has not been possible in the short time available to us to study them all. Instead, the Commission has selected what to it represented the areas of highest priority and has made a series of relatively generalized recommendations. These recommendations, when implemented, will strengthen the legislature and maintain its coequality with the executive and judicial branches.

The events of the past few months: the presidential election campaign, the congressional and state elections, and above all the national debate involving the very fundamentals of democratic government, have added emphasis and sharpness to the Commission's work. At the outset the Commission was convinced that its task was an important one. Recent events have demonstrated just how important it was. It is trite to say that the legislature is the voice of the people, but it truly is, and if the legislative branch of government cannot be responsive and responsible then democracy itself is in danger.

The Commission began its preliminary work in July of 1968, following enactment of Joint Resolution 207, a copy of which is reprinted with this report. The Commission was appointed, three members each, by: Robert Fleming, President pro tempore of the Senate, Ernest Kline, Minority Leader of the Senate, Kenneth Lee, Speaker of the House of Representatives and Herbert Fineman, Minority Leader of the House. In August, the Commission appointed Fred Hershey as Executive Secretary and Shirley Freedman as Administrative Assistant. At the same time arrangements were made to have the Pennsylvania Economy League's State Division perform research services for the Commission. Later, additional consultants for special work were retained. As its organization meetings the Commission selected co-chairmen and sub-divided into four task forces:

Legislative membership, Mr. Amsterdam, chairman,
Mr. Michener and Mr. Nesbitt

Legislative organization, Mr. Harris, chairman,
Mr. Hazlett and Mr. Hennessy

Legislative process, Mr. Reichley, chairman,
Mr. Leader and Mr. Weiner

Legislative services, Mr. Woodside, chairman,
Mr. Williams and Mr. Willis

The subcommittees met frequently through the months of August, September, October and November. In all, the Commission or its subcommittees met twenty-two times. Virtually all subcommittee meetings were attended by all subcommittee members, while each of the Commission meetings was attended by a substantial majority of Commission members.

The Commission's first step was to invite, on two occasions, the key legislative leaders, their staffs, knowledgeable lobbyists, representatives of the mass media of communications, and business and labor groups, to report their thoughts and recommendations. Only when this was completed did the Commission identify the areas of highest priority; in addition to its own extensive investigation in these areas, it solicited ideas and comments from every lobbyist registered with the Senate and House, and from every member of the Pennsylvania Political Science and Public Administration Association. An appendix to this Report lists persons appearing before the Commission. The Commission also reviewed the reports of nine like commissions in other states and sought out the extensive research and data compiled by the Council of State Governments and the Citizens Conference on State Legislatures. Most important, the Commission sent a questionnaire to every member of the 151st Legislature. The questionnaire and the tabulation of responses appear as a separate appendix.

Our report is not unanimous. Individual memoranda of reservation and exception appear at the end of the report. The members of the Commission were unanimous, however, in their desire both to strengthen the legislature as an institution and to make more effective the role played by the individual legislator in fulfilling his responsibilities. There can be honest disagreement among reasonable men as to how this can be accomplished, and our report reflects, at places, this disagreement.

The substantial number of recommendations should not be construed to mean that the Commission believes a great deal is wrong with the present General Assembly. Quite to the contrary, the Commission was much impressed with the changes that the legislature itself has wrought in recent years. The Commission found ample evidence that the Pennsylvania legislature ranks with the best in the nation. Its constitutional foundations are sound, and recent improvements have given the legislature greater freedom to do its best possible job. The legislature recently has improved its staffing, and our legislative reporting ranks among the best. The Commission commends the General Assembly for its use of data processing. It is because the legislature has done such a sound job on its own fundamentals that the Commission has been able to devote its attention to other subjects which require improvement. This framework, plus the anticipated implementation of the Commission's recommendations, will make the Pennsylvania General Assembly a standard of excellence for the nation.

We acknowledge the work of our consultants, Mr. John W. Ingram and Mr. Robert Lewis of The Pennsylvania Economy League, Dr. Kenneth Palmer and Mr. Richard Lougee, Franklin and Marshall College, Dr. John H. Ferguson,

Better Government Associates, and Dr. Edward Keynes, Pennsylvania State University. For technical assistance, we are indebted to Mr. Fred Taylor and Miss Ellen Zieve, of the House staff; also to Mr. Russell Davis, Mr. John Pittenger, Mr. Ralph Tive, Mr. Craig Truax and Mr. William Woodside. Finally, the Commission's work was aided by Mr. George Zeiders, Mr. Bernard Tyler, and Mr. Warren Machamer, of the Legislative Printing office.

We thank the General Assembly and, in particular, the leadership, for the opportunity to serve on the Commission. That opportunity for service was heightened by the critical period in which our nation finds itself—a period when every institution of representative government is undergoing close and hostile scrutiny. The Commission is wholly agreed that the states must be strengthened to make the federal system more effective in the decades ahead. Strengthening the states, however, depends upon shoring up the states' component branches. In the short and long run, nothing is more important than making possible the best job by the people's representatives.

Thos. L. Hylton

Gustav G. Amsteisand

Arthur V. Harris

Bernard C. Hennessy

George M. Reader

Amf Keshett

James A. Michener

James Reichley

Charles R. Vemer

William G. Mills

Evan S. Williams

Robert E. Woodside

SUMMARY OF RECOMMENDATIONS

The Commission has examined the General Assembly; its examination has revealed the present status of the legislature to be good. In some respects, notably, quality of key personnel, reporting of legislative activities and staff services, the Pennsylvania legislature is superior to most, if not all other states. The Commission therefore commends these aspects, which have been inaugurated and developed by the legislature itself.

In its review, however, the Commission found areas where improvement is desirable, even obligatory, if the legislature is to maintain and strengthen its role as co-equal partner with the executive and judicial arms of state government. A parallel objective of the Commission's report is the maintenance and enhancement of the legislature's collective and individual prestige.

The Commission's conclusions were reached after intensive study and discussion—with key legislators, with mass media representatives, legislative staff, political scientists, lobbyists, business and labor representatives, public administrators and citizen study groups.

The Commission believes its suggestions are relevant and practical of implementation. They constitute a package and, therefore the proposals ought not to be considered individually. The Commission would feel it had been misused if only its suggestions concerning salaries and perquisites were implemented, and not most of the other recommendations. In short, implementation of this report involves more than plucking the plums of the pudding, and leaving the suet.

The Commission's primary recommendations:

Recommendation 1. The scheduling of legislative activities be such as to permit the members to give attention to their respective outside occupations, but that every legislator be expected to give primary attention and devotion to his legislative responsibilities and that adequate staff and other assistance be made available so as to achieve optimum utilization of his legislative time.

Recommendation 4. Salaries of legislators be increased from \$7,200 to \$12,000 annually.

Recommendation 5. The practice of allowing a statutory non-accountable flat allowance for expenses of legislators be discontinued and that each legislator be reimbursed for expenses actually incurred, reported and certified by him up to a maximum of \$7,000 annually.

Recommendation 7. A salary and compensation commission be established by law which will consider legislative, judicial, and executive branch salaries and reimbursable expense allowances at the beginning of each gubernatorial term; the commission to be composed of private citizens appointed by the Governor, the Speaker of the House, the President pro tempore of the Senate and the Chief Justice of the Supreme Court; the commission to review the salaries and expense allowances of the legislature, Governor and cabinet and the courts and to submit its recommendations to the General Assembly.

Recommendation 10. Legislation be enacted to require disclosure by

legislators of relevant financial or occupational interests; reporting by lobbyists of expenses related to the influencing of legislation and disclosure by legislators of other professional practices which would involve conflict between public and personal interests.

Recommendation 12. The committees in both the Senate and the House be reorganized and reduced to approximately thirteen standing committees (plus the committee on executive nominations in the Senate).

Recommendation 18. That there be established a joint committee of equal numbers of the House and Senate, appointed by the Speaker of the House and President pro tempore of the Senate, to be known as the Administrative Management Committee, and to have responsibility for establishing uniform policies with respect to the administrative, financial and personnel management of the Legislature, including such matters as personnel work-weeks and hours; job classification, qualification and pay plans (but not appointment of staff); purchasing of supplies and equipment; office space assignment and maintenance; printing and publications; accounting systems; etc. The direct responsibility for administrative functions and housekeeping services for the House and Senate remain in the Chief Clerk of the House and Secretary of the Senate, subject to general policies established by the joint Administrative Management Committee to which periodic management and financial reports should be made. Under the supervision of the joint Administrative Management Committee, a modern and comprehensive personnel system, encompassing all legislative staff be developed, installed and maintained, governing the uniform job qualifications and specifications, classification, compensation, discipline, working hours and conditions, fringe benefits and other related matters, provided that individual appointments of staff will reside in the appointing authorities designated by law.

Recommendation 20. The General Assembly study the feasibility of co-ordinating and consolidating the several joint standing study commissions and service agencies (Joint State Government Commission, Local Government Commission, Budget and Finance Committee, Legislative Reference Bureau, Data Processing Center, Senate Library), and also to the relationship of these agencies to the standing Committees of both the House and Senate, with the objective of achieving maximum utilization of and productivity from all available research and service resources.

Recommendation 22. A legislative fellowship program, designed to familiarize citizens, editors, journalists and teachers of political science and public administrators with the state legislature, be initiated under the Administrative Management Committee's supervision, providing for fellowships, carrying a substantial stipend, to be awarded to promising journalists and college and university professors who would be assigned to Majority and Minority leadership.

Recommendation 32. Both houses take appropriate steps to insure against voting on behalf of absentees.

Recommendation 46. Legislation be enacted to require that the General Assembly at the beginning of a two year legislative term adopt a joint resolution fixing a schedule for its activities (and providing for a recess midway in each year's session to give the leadership an opportunity to review progress to date, make plans, amend the schedule if necessary); other legislative activity not to be permitted until the schedule has been adopted. The Commission suggests further that the following dates and periods would be most suitable for the schedule;

- a. Final date for introduction of bills—sixty days before adjournment (exceptions to be approved by the rules committee)
- b. Final date for committee action on bills—thirty days before adjournment (exceptions to be approved by the rules committee)
- c. Final adjournment July 31st
- d. Three days is the minimum legislative work week to go to five when the workload warrants

Recommendation 55. Specific completion dates be incorporated in specifications and contracts for printing laws and such contracts be made with printers other than those utilized to print bills and other current legislative documents, when this will result in more prompt publication and distribution of laws.

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1. THE LEGISLATURE IN PERSPECTIVE

The advice, consent and approbation of free men . . . of most note for virtue, wisdom and ability.

Penn's Charter of 1681 and First Frame of Government, 1682.

Pennsylvania's government is rooted in nearly three hundreds years of experience on the continent of North America, and before that in centuries of British history. The General Assembly has been an integral part of the Commonwealth's government since it was founded in 1682 by William Penn. Its features have mirrored changing times, events, and public attitudes. Countless changes in governmental organization, procedures, and powers have occurred, the most radical of which were the abandonment of colonial status in 1776 and the unicameral form in 1790.

The general outlines of Pennsylvania's colonial government were set forth in four successive frames of government, adopted in 1682, 1683, 1696, and 1701. The frame of 1701, officially called "The Charter of Privileges Granted to William Penn; Esquire, to the Inhabitants of Pennsylvania and Territories," continued in effect until 1776 when the Declaration of Independence prompted significant changes.

Since independence, Pennsylvania has had four constitutions, adopted successively in 1776, 1790, 1838 and 1873. The present framework of government rests upon the Constitution adopted in 1873 as amended by the legislature and by the Constitutional Convention of 1968.

Although the various frames of government have differed, certain basic features were common to all: Governmental authority was limited by fundamental law set forth in written documents. Three branches of government—legislative, executive, and judicial—were prescribed with the expectation that they would check and balance one another. Recognition was given to the precept that legitimate government required the consent of the governed. Representative government was preferred over "direct democracy." And legislators were apportioned on the basis of population and chosen by ballots cast by a body of eligibles qualified by constitutional prescriptions.

Some of the legislative highlights of the brief historical review which follows were:

Unlike some of the American colonies where members of the upper house were appointed, Pennsylvania's General Assembly has always been elected by the voters.

The legislature has always had full authority to organize and adopt rules for its governance.

Pennsylvania's General Assembly was unicameral in form for over one hundred years (from 1682 to 1790) but since the latter date it has been bicameral.

The qualifications needed to become a member of the General Assembly have been provided in Pennsylvania's frames of government, but nothing was ever said about methods of nominating candidates for legislative posts.

Although Pennsylvania has at times been an intensely partisan state, the

first explicit acknowledgement made of political parties in any frame of government occurred in 1968, when majority and minority leaders of the House and Senate were designated members of legislative apportionment commission when such bodies are established.

Not until 1968 was the size of the legislature fixed absolutely in the Constitution; until that time the size was permitted to fluctuate within certain limits to assure minimal representation for certain counties and cities. At one time, in 1682, the maximum was set at 500.

Between 1857 and 1873 senators served terms of three years, house members of one year. The present terms were set in 1873.

Sessions of the General Assembly were annual prior to 1873, biennial from 1873 to 1957, and annual since 1957.

Only twice have legislative sessions been structured; once under the frame of government of 1682, and again by an amendment of 1957 which limited the session meeting in even-numbered years to financial considerations. The amendment approved in 1967 made all regular sessions unstructured. Pennsylvania has never used the so-called "bifurcated session" adopted in some states under which sessions are divided into three distinct parts; the first for introducing all bills; the second for legislators and constituents to familiarize themselves with the bills introduced; and the third for enacting legislation.

The calling of special sessions was considered an exclusive prerogative of the Governor until 1967 when a change was made which permits a call either upon the initiative of the Governor or of both houses of the legislature.

Prior to 1967 regular annual sessions terminated finally before the next one convened. As amended, regular sessions continue throughout the terms for which legislators are elected.

The House prerogative of originating revenue measures has been recognized in all frames of government since 1776.

Pennsylvania has made some use of state-wide referendums but less than most states. First used in 1835 to determine whether the voters approved calling a constitutional convention, the referendum has since been used state-wide only in connection with constitutional changes. Neither the initiative nor the recall has been authorized or used on a state-wide basis.

Except for the frame of 1696, members' compensation was subject to legislative determination. Constraints on the payment of extra perquisites were added in 1873 and since.

Apportionment was, until 1968, considered a prerogative of the full legislature. As amended, the Constitution provides that reapportionment be done after every decennial census by a five-member commission consisting of the majority and minority leaders of the House and Senate and an impartial chairman chosen by the four legislative members. Henceforth, the rule for apportionment of both houses must be one-man one vote.

Placing the focus upon legislative highlights may convey the impression that reforms have kept pace with needs, but this not the case. While constitutional changes were occasionally made, which tended to enhance the legislature's

image and facilitate its endeavors, many more were added of a constructive nature. Not until recent times have constitutional changes tended in a more positive direction.

Positive action to strengthen the legislature has come not only from constitutional changes but also from legislative enactments, of which the following are illustrative. In 1909 the Legislative Reference Bureau was established to draft bills for members and engage in legal research. In 1935 the Local Government Commission was created to conduct studies and provide legislators with advice. In 1937 Pennsylvania joined the parade of states by establishing a study and research agency called the Joint State Government Commission. In 1959 the Legislative Budget and Finance Committee was established to assist legislators on fiscal matters. In 1961 an electric voting device was installed in the House. The punctuation of bills when introduced, rather than after final enactment, was started in 1963. An electronic data processing system was installed in 1967 to expedite the storage and retrieval of data and legislative printing. Legislative staff, of both professional and clerical rank, has been increased substantially. More space has been made available for members and committees and legislative perquisites have been increased.

Although the Commission's chief concern is with the General Assembly, it is heartened to note that there have been recent far-reaching changes in the executive and judicial branches. The Governor elected in 1970, for instance, will be the first one since 1873 with eligibility to succeed himself. Also indicative of the trend, starting in 1969, Pennsylvania will have for the first time a unified judicial system under the general direction and supervision of the State Supreme Court. Pennsylvania's local governments, too, are about to experience epoch-making changes.

If the past is indeed prologue to the future, the Commission is encouraged by changes in Pennsylvania government, and particularly in the General Assembly, which have been made to accommodate the times. Two things about the legislative history of our state are particularly striking. First, the willingness to try—and sometimes discard—new approaches, reshaped institutions, and new procedures to fit current needs. Second, the fact that Pennsylvania's relative inactivity for the past one hundred years in changing the General Assembly has been succeeded by several decades of unusual change in the fundamental operations of Pennsylvania government.

The Commission finds a strong and uninhibited General Assembly. We approve of its strength, and of its freedom from those constitutional limitations that so often hobble American legislatures. Our sole consideration in this Report is to help the General Assembly use its strength in ways that will make it one, in William Penn's words, "of most note for virtue, wisdom, and ability."

2. THE LEGISLATOR

An interlude for talented men headed in other directions.

William J. Keefe, University of Pittsburgh

Inescapably any study of the Pennsylvania General Assembly must come to grips both with the individual and the organization in which he serves. The nearly three hundred years of legislative history have shaped the institution in which the men and women who serve in the General Assembly participate. The Commission, therefore, has chosen to consider basic questions about the General Assembly which involve both the individual legislator and the organization of the General Assembly itself.

In its deliberations, the Commission has considered the qualifications for legislative service, who can meet them, what legislators should be paid, and what kinds of services they should be furnished. Turning to the General Assembly as an organization, the Commission has considered how it is organized, what kinds of general services are now or should be available to the legislature and whether or not the organization permits effective service and participation by its members.

It should come as no surprise that Pennsylvania's legislators are atypical, as are legislators in virtually every other state. It takes a peculiar breed of men and women who will engage in the difficult, abrasive and sometimes disappointing job of seeking election to public office, trying to make decisions to resolve difficult questions of public policy and being held accountable for those decisions.

The Commission examined two aspects of this problem of the legislator and the legislature and raised these two fundamental questions:

1. Are we getting the kind of persons we need to serve in the General Assembly?
2. Are we providing the kind of legislature in which an able, conscientious person can function effectively?

In the last two decades considerable attention has been given to reform of the United States Congress and American state legislatures. Most of the attention has focused on the need to modify structure and organization. Relatively little attention has been given to the selection and the quality of legislative personnel.

Nevertheless, the quality of our state legislature and the work it does ultimately depends upon the men and women in the General Assembly. One factor which partially determines who is successful in the competition for state legislative office is the system of nomination and election. If this assumption is correct then the formal nominating process is important in determining the character of the men who represent us and the laws they make. For example, the closed primary system in Pennsylvania, in which only a person registered in the party may vote for the party's nominees, promotes a high degree of party control over the nominating process. By contrast the open primary system of nomination allows other groups in other states to participate in the selection process.

The evidence points to the central role that Pennsylvania's two major parties play in their recruitment of legislative candidates. The party controls the entry way to the legislature. Any measures designed to alter the composition of the General Assembly's membership must take this central fact into consideration, and recommendations should be considered in the light of their consequences and results anticipated by their advocates.

The Commission is impressed with the present party discipline and control in the General Assembly. The Commission believes that such control and discipline encourages public discussion of state-wide issues coming before the legislature and makes to a larger degree than in most states, and even in the nation itself, political parties responsible and accountable for their actions.

With this background in mind the Commission turned its attention to the specifics of the individual's legislative service. These items include the scheduling of legislative activities, the salaries of legislators, provision for expenses and fringe benefits, the ethical conduct of individual legislators and the orientation of new legislators to their responsibilities.

The Commission looked first at the way in which candidates are selected for election to the General Assembly. At present Pennsylvania selects candidates through nomination by petition and through a closed primary, in which only registered voters of a particular party may cast ballots for their respective nominees. The Commission examined the alternatives to the closed primary, that is, the open primary where voters may cast ballots for any party's nominees and the convention method whereby candidates are selected through political party conventions. The Commission believes that the advantages of the closed primary system outweigh the possible advantages of the other systems, primarily because the closed primary enhances party accountability which is certainly one of the remarkable features of Pennsylvania political life.*

The Commission then reviewed the present qualifications of legislators as set forth in Article II, Section 5 of the Constitution. These sections relate to minimum age (twenty-five years for the Senate; twenty-one for House members) and residence, (four years in the state; one year in the district). The Commission believes that these requirements are reasonable and found no persuasive evidence that they have discouraged qualified candidates. In fact, based upon Pennsylvania's extraordinary political localism any recommendation for a reduction of residence requirements would fly in the face of the political tradition of this state.

Nature of Legislative Service

The Commission is unanimous in its conviction that the attraction of the most competent, dedicated and respected citizens of the Commonwealth to serve as members of its General Assembly depends on: the image and prestige of

*Although the Commission is impressed with the close balance of the major parties, state-wide, it is also cognizant of the fact that there are areas of the state where one party is dominant. The Commission believes, generally, that strong two-party competition enhances the quality of the legislature and suggests to the legislature and the executive branch that a study of campaign financing be undertaken. Such a study would include the possibility of making funds available to party candidates to bring issues and programs before the people, regardless of the relative strength of the parties in the particular area.

the legislature, the more effective use of each member's time; staff assistance to facilitate the legislator in his lawmaking, representative and oversight roles; more efficient and attractive space and facilities for his work; and adequate compensation for his efforts. To the extent that there are improvements in these factors, the Commission believes that it may help attract the highest qualified individuals to represent Pennsylvania's citizens now and in the future.

The mounting demands on the time of legislators, and the growing complexity of legislative assignments, emphasizes the question of how much of his time and attention a legislator should devote to his office. The great majority of present members are "part time" legislators. The Commission has considered carefully whether principal efforts should be directed toward attracting candidates who can devote their full time to legislative duties, or whether it is preferable to encourage leading individuals in each community to serve on a part-time basis. The Commission concluded, only after long debate and discussion, that the interests of Pennsylvania will be best served by encouraging the most competent and experienced candidates to serve in the legislature, recognizing that many must continue to devote a share of their time to their outside professions or occupations. In short, the Commission holds to the theory that by drawing from the mainstream of the Commonwealth's political and social and economic life, the citizen will be better represented than if a special professional legislature is created. The Commission is aware that in the long-run the decision of the voters will govern how much time representatives spend at their legislative jobs. Public expectations are not uniform throughout Pennsylvania. Nor are political parties equally strong in every area of the state. Each legislator will tend to spend such time at his legislative duties as is necessary to fulfill his legislative responsibilities, and these responsibilities may vary somewhat depending upon the nature of the district, and the expectations of his constituents. The Commission suggests as a general guide-line that candidates for legislative office ought to be willing to devote *primary* attention to legislative duties and members should anticipate that their legislative roles will require something approaching full time availability to their constituents.*

The Commission is aware that even with substantial increases in legislative salaries many highly qualified candidates could not afford to abandon completely their private occupations. The Commission, again, believes that the contribution by the less than full time legislator to the effective performance of the legislature can, in fact, be enriched by his outside experience and contact with economic and social problems and needs. The Commission also feels that adequate staff and assistance must be made to the legislator so as to achieve optimum use of legislators' time.

Legislative Compensation and Benefits

In considering the compensation provided for members of the legislature the Commission took into account not only the salary paid each legislator, but also the flat expense allowances, reimbursement for travel, additional pay

*See statement by Mr. Bernard C. Hennessy, page 41.

in contingent expense funds provided for the leaders of both houses, and the retirement and other fringe benefits.

The Commission attempted to evaluate the adequacy of the present rate of compensation. It traced the increases in salary, flat expense allowances and mileage of Pennsylvania legislators for almost a half century, comparing those increases with rates of increase for certain other comparable occupational categories. It compared the compensation of Pennsylvania's legislators with those in other states and observed the relative rates of increase in recent years. It matched the current rates of compensation with those for certain comparable professions and occupations. It concluded that comparisons over a period of time, or with other states, have little value, indeed may be misleading because of the incomparability of many factors. The Commission believes the most valid basis for measuring adequacy is sufficient expense allowance to compensate the legislator for his actual and necessary outlays, incident to effective and proper performance of his office and adequate additional salary and fringe benefits to justify his devoting his first, priority, attention and devotion to his legislative responsibilities.

The Commission's review of the trend of legislative salaries in Pennsylvania reveals that salary rates have increased about six times in the past half century, and have more than doubled in the past decade to the present rate of \$7200 annually. Pennsylvania ranks relatively high among the fifty states in its combined salary and flat expense allowance for legislators, being exceeded by only five states. It is notable, however, that among the six currently highest paid states Pennsylvania ranked fifth fifteen years ago, climbed to second place five years ago and since has dropped back to its present position of sixth.

Another indication, more valid in the opinion of the Commission, is the comparison with other professional and occupational salaries. The assumption is that these are the competitive rates which must be considered if Pennsylvania is to attract legislators who will devote their primary attention to legislative duties. While comparisons are difficult, the Commission is convinced that some upward adjustment is indicated. But salary increases should be conditioned upon and accompanied by changes in the role, conduct, and performance of legislators, by implementation of the other recommendations of this Commission.

The Commission was frankly troubled by and gave considerable attention to the present practice of, in effect, combining a legislative salary of \$7200 with an expense allowance of \$4800. This \$4800 annual expense allowance is at present non-accountable. It is evident to the Commission that some legislators are using this allowance for expenses incurred in their legislative duties. It is also clear that some legislators by accident of geography or for other reasons do not need more than a small expense allowance because of their proximity to the State Capitol. The Commission believes as a matter of principle that all funds in the legislature ought to be accounted for. Therefore, salaries should be distinguished from the expense allowances. The Commission, in its thinking, treated the basic legislative salary as being \$7200 and believes, as its recom-

mentation indicates, that the practice of non-accountable expense allowances should be discontinued.

The Commission is concerned about two aspects of legislative salaries: first, what in its judgment is a proper salary now and second, what should be a reasonable salary in the future. The Commission was able to come to grips with the first problem and has made a recommendation in this area. The Commission is aware that its suggestion, if accepted, cannot become effective until the 1971 Session, because the Constitution forbids a salary increase during the term for which a legislator is elected. It has not, however, satisfactorily determined a specific amount for the future and the Commission believes that it properly ought not to suggest a legislative salary for any period beyond the immediate present. The members are conscious of the fact that a steady period of inflation would continually erode present salary figures and it also has come to the conclusion that legislative salaries are in part related to salaries paid in the executive branch of state government as well as salaries paid to members of the judiciary. Finally, the Commission recognizes that legislative salaries in part should be determined by the nature of legislative duties in the future. It must be remembered that we are only now concluding the first unlimited session of the General Assembly. It is possible in the future that sessions and workload may not be the same as they are now.

On eleven separate occasions the Commission grappled with the question of legislative salaries, and from the first there was unanimous agreement that the legislature deserved at least a cost-of-living increase, to take effect on January 1, 1969. However, a commendable constitutional provision forbids a legislature to raise its own salary, so that any increase voted by the incoming legislature could not go into effect until the subsequent legislature meets in January of 1971. The Commission thought first of bringing in this part of their recommendations separately in time for the then legislature to act, but this proved impractical. It was then suggested that the entire report be rushed so that the session meeting in November 1968 might deal with the problem, but this session had insufficient time and was probably disqualified since it met after the election had constituted the new legislature. Other alternatives were suggested but none worked. These facts are cited so that the people of Pennsylvania will know that this Commission supported a raise and wanted it to go into effect at the earliest possible moment.

As to the larger raise, which would go beyond a mere cost-of-living adjustment, there was also agreement, and the Commission wanted it also to go into effect on January 1, 1969, but the actual amount of this raise occasioned much debate and figures of considerable variation were discussed. The one finally agreed upon represented not a compromise but a careful adjustment of many factors and was wholeheartedly agreed to by an impressive majority of the Commissioners.

The Commission believes that a wise course for suggesting future legislative salaries lies in an approach recommended by the Committee on Economic Development in its recommendations on salaries for federal executive positions.

That report recommended the establishing of temporary salary and compensation committees which would function once in each presidential term. The Commission believes that this approach has much merit for Pennsylvania.

The Commission unanimously has proposed the establishing of a special salary and compensation commission for Pennsylvania which would function early in the term of each governor. It would examine the salary schedule, not only for the legislature, but for the Governor himself, the cabinet and the judiciary based upon information furnished to it by existing state agencies, particularly the State Civil Service Commission, and the Office of Administration. This Commission, consisting of private citizens appointed in equal numbers by the Governor, the President pro tempore of the Senate, the Speaker of the House, and the Chief Justice of the State Supreme Court, would in a relatively short time review the data and make its recommendations to the state government. Under the Constitution these recommendations would, of course, require implementation by the General Assembly. This approach seems to the Commission a most wise one. Although its scope goes beyond the mission of this Commission, in that it involves judicial and executive branch salaries as well as those for the legislature, the Commission does believe a relationship exists among these. It commends this course of action to the General Assembly.

The Commission's review of what might be termed legislative fringe benefits indicates that the benefits in Pennsylvania are more generous than those provided for other classes of state employees. They are also relatively generous compared with the systems covering legislators of other states. It is true that the contributions made by legislators toward the cost of their retirement benefits are also relatively high compared with other members of the state employees retirement plan. Likewise, the amount contributed by the State is higher than that contributed for other state officials and employees. It was estimated by the consultant actuary to the state employees retirement fund that the cost to the state for providing retirement benefits for legislators approximates twenty percent of salary payments upon which retirement benefits are based, presently, \$7200 annually, somewhat exceeding the rate of contribution by the legislator recipients, now fixed at 18.75 percent of salary. At present salary rates this means an additional fringe benefit costing the Commonwealth approximately \$1400 annually for each legislator. In view of the relative generosity of the retirement benefit the Commission feels that no adjustment is warranted at this time. It notes that other fringe benefits include a present partial contribution by the Commonwealth toward hospital insurance and will soon include participation in the group insurance plan to which the Commonwealth will also contribute. These are the same benefit plans available for all state employees and there appears to be no such fringe benefits available to state employees which are not also available to legislators and employees on a voluntary basis. Accordingly, in the entire range of fringe benefits which would be appropriate for legislators, the Commission believes that the present benefits are generous and no additional benefits need be considered at this time (including any adjustment on the present salary base, \$7200, for computing retirement benefits).

Recommendation 1. The scheduling of legislative activities be such as to permit the members to give attention to their respective outside occupations, but that every legislator be expected to give primary attention and devotion to his legislative responsibilities and that adequate staff and other assistance be made available so as to achieve optimum utilization of his legislative time.

Recommendation 2. No changes be made in the present constitutional minimum age and residence qualifications for members of the Senate and House.

Recommendation 3. The present method of selecting candidates for election to the General Assembly through nomination by petition in closed primary be continued.

Recommendation 4. Salaries of legislators to be increased from \$7,200 to \$12,000 annually.

Recommendation 5. The practice of allowing a statutory non-accountable flat allowance for expenses of legislators be discontinued and that each legislator be reimbursed for expenses actually incurred reported and certified by him up to a maximum of \$7,000 annually.

Recommendation 6. The allowable purposes for reimbursable expenditures which should include lodging and meals while away from home on official legislative business, official postage, staff and other expenses incidental to legislative duties, and which should exclude any expenses not acceptable by the federal internal revenue service be standardized and fixed by the legislature preferably by a special compensation commission recommended elsewhere in this report.

Recommendation 7. A salary and compensation commission be established by law which will consider legislative, judicial, and executive branch salaries and reimbursable expense allowances at the beginning of each gubernatorial term; the commission to be composed of private citizens appointed by the Governor, the Speaker of the House, the President pro tempore of the Senate and the Chief Justice of the Supreme Court; the commission to review the salaries of the legislature, Governor and cabinet and the courts and to submit its recommendations to the General Assembly.*

Recommendation 8. The present uniform benefits made available to legislators in the form of retirement, medical insurance and forthcoming group life insurance benefits to which the Commonwealth contributes are adequate and should be continued and that no additional benefits be given consideration at this time; the pension base should remain at \$7200, regardless of a recommended salary increase.

Ethics

The Commission is well aware that the question of ethical conduct of legislators, including the regulation of lobbyists, disclosure of financial interests, conflicts of interests and related matters has received considerable attention by

*See memoranda by Mr. Gustave G. Amsterdam and Mr. Robert E. Woodside, page 42.

the legislature and has been a prominent subject of public comment. In recent years legislation has been proposed in almost every session to regulate activities of lobbyists and the conduct of legislators, resulting in enactment of a lobbyist registration act in 1961 and a code of ethics act in 1968. The latter act, the product of a joint study committee created by the legislature followed a thorough study of various aspects and possible courses of action for improving the control of lobbyists and the conduct of legislators.

The Commission's initial question was whether or not it should concern itself with the general subject of ethical conduct in view of the fact that it has been a subject of recent study and action by the legislature. It is the conclusion of the Commission that this should be one of the most important areas of consideration because it is believed that there remains room for definite improvement in this area. Such improvement can be an indispensable element in the enhancement of the prestige, confidence and respect in which the General Assembly is held by the public.

The Commission is convinced that the conduct of the majority of legislators is proper and beyond criticism. However, it is evident that misconduct by a relatively small minority of legislators can reflect unfavorably upon the reputation of the entire body. Such actions as receiving gifts or favors from lobbyists in exchange for favorable action on legislation, taking advantage of the legislative position to unduly influence action by administrative agencies or commissions favorable to a legislator or his clients, influencing favorable action upon contracts in which the legislator shares a financial interest, taking advantage of confidential information to promote the legislator's personal advantage or interest—all these are deleterious to the proper public image of and respect for the General Assembly.

The Commission is impressed with the recent action taken by the legislature to appoint a committee to study the entire area of ethical conduct and to recommend legislation for its improvement and by enactment of legislation resulting from the study. The legislature should be commended for the provisions contained in the legislation. It understands that permanent ethical conduct committees are to be established by rules of the House and Senate as drafted by the code of ethics committee. It also is convinced that there are certain areas of proper legislative conduct, including the disclosure of financial interests, reporting of lobbying expenses, the continuation of the reporting of campaign expenses, and the prevention of undisclosed conflicts of interests in the practice by legislators of their professions or occupations which should be given further study and consideration for future legislative action to supplement and strengthen the present lobby registration and ethical conduct laws.

As a matter of principle, the Commission believes that the most proper and effective control of ethical conduct in the legislature can be achieved by action of the legislature itself, including the determination of standards, the continual interpretation of those standards and their enforcement. Also, as a matter of principle in cases involving possible conflict of interest between the private interest and public responsibilities of the legislator, preference should be given to disclosure of facts rather than indiscriminate prohibition.

The Commission's recommendations reflect these beliefs.

Recommendation 9. The life and function of the code of ethics committee be extended or a similar committee be created on a permanent basis to continuously review the changing needs and conditions governing and influencing the ethical conduct of members of the General Assembly. It should recommend legislation as required to augment present laws which will provide for the establishment and enforcement of such standards as will assist the General Assembly in maintaining the confidence and respect of all citizens, and as will prevent the unfavorable reflection upon all legislators resulting from the conduct of a few of their number. A House and Senate board be created to assist in enforcing the standards established including the rendering of advisory opinions in respect to specific inquiries by legislators and lobbyists concerning ethical conduct and including the adjudication of charges of unethical conduct against legislators and lobbyists.*

Recommendation 10. Legislation be enacted to require disclosure by legislators of relevant financial or occupational interests; reporting by lobbyists of expenses related to the influencing of legislation and disclosure by legislators of legal and other professional practices which could involve conflict between public and personal interests.

Finally, the Commission examined the efforts made to introduce the legislator to his new legislative environment. The Commission was surprised to find that despite the relatively high turnover of legislators, particularly in the House, that no formal orientation program exists to familiarize the newly elected member with the environment in which he is to work, the services available to him, and the broad general organization of state government itself. The Commission believes two kinds of orientation are appropriate for new legislators. The Commission further believes that these two kinds of orientation are separate and distinct and ought to be performed by and through different means. The first kind of orientation involves no questions of public policy or party policy. This orientation is equally appropriate for any political party member named to the legislature and involves an introduction to state government, the agencies and commissions and their broad duties and responsibilities. It also involves a familiarization with the legislature itself, the ways in which a bill is prepared and introduced, the operation of the committee system, the role of the caucus and the various legislative service agencies which the legislator needs to know in order to function effectively in his job. This orientation, in the Commission's judgment, should be performed on a non-partisan or bi-partisan basis prepared jointly by the leadership of the House and Senate and made available to every legislator regardless of party affiliation.

The second kind of orientation involves briefing the new legislator on the kinds of issues his leadership in the legislature believes will be coming to the legislature for decision in the session. It involves some orientation on how the caucus takes positions on policy issues, on the relationship of committees and committee chairmen to the party leadership and the legislative goals of the

*See memorandum by Mr. Gustave G. Amsterdam, page 42.

session as the leadership construes them. Although the Commission is impressed with the notion that these two kinds of orientation might be combined into a single orientation session, it is not persuaded that, given the close party divisions in Pennsylvania and the strong partisan feelings on these issues, such a combination is practicable for Pennsylvania. The Commission does, however, feel strongly that orientations are desirable and even essential, and recommends that such sessions be implemented as soon as possible.

Recommendation 11. The General Assembly provide for regular orientation sessions for newly elected members to acquaint them with their legislative responsibilities and the facilities available to help them carry out those responsibilities and with the general structure and functions of the Commonwealth government; the orientation sessions to be organized and supervised by a joint committee appointed by the House and Senate leaders and financed from a specific appropriation.

3. THE LEGISLATURE

Our governmental institutions . . . must make every American feel welcome in the day to day work of our society.

Senator Edmund Muskie, before The National Legislative Conference, 1968.

Two hundred fifty-three men and women, however able and dedicated, need some kind of organization if they are to function effectively. For this reason, after first considering suggestions to attract the most able people to the legislature, the Commission turned its attention to the characteristics of the institution in which these people would serve. The Commission paid particular attention to five aspects of the legislature: Size, organization, services, staffing and facilities.

The Size of the Legislature

The question of the size of the Pennsylvania General Assembly is a fundamental one. It was raised early in the Commission's deliberations and the Commission returned to it again and again in its meetings.

The majority of the Commissioners eventually decided not to suggest a specific change in the present number of House and Senate members, now constitutionally fixed at 203 and 50, for these reasons.

The most recent public debate concerning the appropriate size of the legislature took place in the Constitutional Convention of 1967-1968. The outcome of that debate was ratified by the electors in the Spring of 1968. The Commission was especially reluctant to reopen an issue so contentious and so recently spoken to by Pennsylvania voters. The Commission consulted the Convention debates on the subject, and was impressed by the substantial margin by which every proposal and resolution was defeated.*

The Commission was reluctant to recommend a reduction in the size of the House for fear of diminishing the representative nature of our General Assembly. It is true that Pennsylvania has a large legislature—larger than most states. Pennsylvania, by the same token, is a populous state of unusual economic, social, religious and ethnic diversity. Such diversity may warrant a larger legislature than would be appropriate for smaller, more homogeneous states.

A third, less important, consideration in the Commission's decision was that any suggested change would require Constitutional amendment. This was not an overriding factor, because the Commission was prepared to support any change, if in its opinion that change was justified.** ***

Legislative Structure

There are really two organizational structures in the Pennsylvania General Assembly, one formal and ostensibly nonpartisan (but actually bipartisan), the other informal and explicitly partisan. If one is even more realistic and discards

*The Constitutional Convention votes were as follows: to reduce the House to 101, 14-135; to reduce the House to not less than 100, not more than 150, 40-103; to reduce the House to 151, 40-97; to reduce the House to not less than 100, not more than 200, 25-112; to reduce the House to not less than 175, not more than 199, 35-104; to reduce the House to 161, 48-86; to reduce the House to 175, 50-97.

**See memorandum by Mr. James A. Michener, page 42.

***See memorandum by Mr. Arthur Harris, page 43.

the notion of "the legislature" as an entity and recognizes that the House and Senate are virtually autonomous, independent organizations then there are four organizational structures. There is, first, the formal visible organization chart of presiding officers, chief clerks, and other officials, along with various committees and committee chairmen. Added to this are the several service agencies the legislature has from time to time created for special purposes—the Legislative Reference Bureau for bill drafting, the Joint State Government Commission for major studies which the legislature has assigned, the Data Processing Agency, the Legislative Budget and Finance Committee (the so-called watchdog committee), and the Local Government Commission to make studies and initiate legislation affecting local governments in the Commonwealth. Finally, there are staff assistants in the form of research counsel, secretaries to committees and so forth.

Second, there is the political party structure consisting of caucus officials for both parties in both houses. These officers are the floor leaders and whips, and caucus chairmen and secretary. It is through the caucus structure that the policy decisions of the majority and minority parties are made. This system is an "extra legal" one, which operates almost entirely out of public view.

It would be inaccurate to claim clear cut distinctions between the role of the formal bipartisan structure and the informal partisan structure. However, one might consider the formal house and senate organizational structure, including committees, as the mechanism through which the technical aspects of legislation are established and modified. The caucus then has the role of policy maker rather than initiator of legislative proposals. Yet, reportedly, in recent years more and more of the caucus's time apparently is taken up by explaining what the legislation is and attempting to modify it rather than limiting the role of the caucus to the one for which evidently it was originally intended, that is, establishing the party's position on legislation or on a public issue.

Another approach to distinguishing the role of the formal organization from the role of the caucus would be to say that the formal organizational structure is the way in which the legislature's work is made visible to the public. Legislation is introduced, it then goes to a committee, the committee takes deliberative action upon the proposal, reports it to the floor for debate and discussion, and then the legislation is ultimately approved or rejected by the House and Senate. Such an approach then recognizes the need for private policy deliberation through the caucus system, while providing for public involvement and a record of public decision making through the committee system and the votes on the floor. No one familiar with the Pennsylvania legislature would agree that this describes what is actually happening.

The Commission has concluded, somewhat reluctantly, that the committee structure in the legislature at present is hardly more than a facade which is neither meaningful to the public nor to the purposes that the organization is supposed to serve. The large number of committees and the large number of individual assignments make useful committee activity virtually impossible. Committee meetings are closed to the public, and no record of committee pro-

ceedings, or votes, is made available. Committees may not meet for weeks or even have the resources to provide an independent objective evaluation of legislation.

There are possible explanations for the weak and inadequate committee system. One explanation for the present situation is that the leadership wants the committees to be ineffective, that a strong committee system might be a danger to the leadership and to the central role the party caucuses play. This explanation suggests that leadership needs subservient committee chairmen who will receive bills and report them out on command, with no public observance of committee action, no debate and discussion within the committee, and no record of any vote taken.

Another explanation for the workings of the present committee system is that the root of the problem lies with the members of the General Assembly themselves. It is contended that legislators gain prestige by committee service. The more committees served on the longer the member's letterhead can be; presumably this is impressive to constituents. The real pressure for the substantial numbers of present committees to be continued, and even for new ones to be created comes from the members to the leadership. The leadership, this argument goes, is not in a position to resist.

The system feeds upon itself. The leadership, in an effort to placate important members, proliferates committees, making more and more committee assignments, weakening the effectiveness of all committees. A member obviously can not be in six places at the same time. The committee system becomes more of a shambles than ever. The conscientious member recognizes that his effective role in the committee system is limited; he cannot give full attention to one or two committees, yet dislikes moving back and forth among all the other committees to which he is assigned. In the back of his mind, too, he must recognize that if he goes along with the present system eventually he himself will become a committee chairman.

No one's real interest is served by the present committee structure and procedures. The members forfeit their effectiveness and influence—not so much to the leadership and caucus, as to sheer confusion and bad organization. The leadership deprives itself, and the legislature as a whole, of the kind of careful craftsmanship that only a well-staffed committee of knowledgeable members can provide. The caucus, in trying to perform the committees' function of detailed work on bills, confounds and impedes its own clear responsibility for policy direction and partisan strategy.

The Commission believes that the continuation of the present operations of the House and Senate and the manner in which the organization operates ought not to be continued. The Commission in its recommendations then is suggesting that there be first, a sharp reduction in the number of committees in the House and Senate and an opening up to public view of the workings of the committee system. Other, more detailed recommendations appear at the end of this section.

Recommendation 12. The committees in both the Senate and the House be reorganized and reduced to approximately thirteen parallel standing committees (plus a committee on executive nominations in the Senate).

Recommendation 13. Committee chairmen be granted an extra \$2,000 salary annually.*

Recommendation 14. At least two staff members be assigned to each reorganized committee. At least one to serve the chairman and at least one to serve the minority members. The appointment of each to be subject to the approval of his party leadership.

Recommendation 15. Funds for expenses incidental to the operation of the committee be available to the chairmen who should be accountable for the expenditures.

Recommendation 16. Contingency allowances to legislative leaders for extra expenses incident to their respective official duties be continued. The legislature by statute or joint resolution to set forth standards as to acceptable purposes of expenditures made from contingency funds.

Staffing the Legislature

Closely related to the organization of the legislature is the problem of effectively staffing the legislature. Here the Commission would distinguish professional and technical assistance from secretarial and clerical aid, although the Commission addresses itself to both. In examining professional and technical assistance to the legislature, further distinction must be made between those technical and professional persons employed in the various legislative service agencies, (such as, the bill drafting bureau, the standing research commission, the watchdog committee, data processing, and the local government commission,) and those persons assigned to the legislative leadership, the caucus, the committees and individual members. There are now 221 employees in the Senate and 311 in the House. Not included in these figures are a total of 119 employed by the legislative service agencies,* and a handful of additional employees appointed jointly by the Chief Clerk of the House and Secretary of the Senate. All of the 532 legislative employees in the House and Senate are appointed outside the state civil service system (as are about half of the 100,000 employees in the executive branch of state government). Put more directly, they are patronage employees subject to and serving at the pleasure of the appointing authorities. The employees range from messengers and clerks, some of whom are on a per diem basis, to administrative assistants to the Senate and House leaders. The employees are specified by position and salary in the current legislative salary bill, Act 417 of 1967.

The Commission was impressed with the unusual competence of many of the senior staff. By the same token, the Commission is aware of the reports of employees who perform substantially less than full time service to the legislature although the salary bill specifically requires that all salaried officers and em-

*See memoranda by Mr. Robert E. Woodside, page 44.

*Joint State Government Commission, 41; Legislative Data Processing Center, 21; Legislative Budget and Finance Committee, 13; Legislative Reference Bureau, 39; Local Government Commission, 5.

ployes shall be in attendance at all times the General Assembly is in session, and establishes the same requirement for per diem employees.

The Commission gave attention to situations in other states where legislative employees are hired through a legislative merit system and even in some cases appointed through the civil service system applicable to executive branch employees. The Commission is not overly concerned about patronage aspects of appointing legislative employees. However, it is concerned that talented staff members be retainable through changes in party control. The Commission believes that its suggestions will make this possible.

There are at present possibilities for three kinds of professional and technical employment in the legislature. One group of staff employees, now existing, is specially appointed to serve the leaders in both the House and Senate; the close working relationships which these persons must necessarily have with the leadership demands that they be selected by and be completely responsible to the current leadership. A second group of employees, also now existing, are those who are primarily to serve the party caucus. Again, the nature of the working relationship involved demands that such persons be agreeable to and serve at the pleasure of the caucus leadership.

A third group of professional staff, not now existing except in rare instances, are those employees who are appointed to serve committees. Here the Commission refers not to secretarial assistance, but to professional and technical staff available directly to the committees throughout the legislative session. Except for the House Appropriations Committee and a few Senate committees, such staff is now non-existent. The Commission envisions the addition of professional staff to serve committees and moreover, in sufficient number to serve both the committee majority and also the committee minority. The Commission recommends at least two professional staff members for each proposed standing committee of the House and Senate. It is to be hoped that these professional staff persons would become expert in the committee's work, and in the event of a change in party control of either House or Senate, the majority and minority staff positions would simply be reversed. The legislature has made a commendable start in providing for permanent staff in the committees in the House and Senate previously referred to, but in the Commission's judgment much needs to be done. The Commission urges the legislature to move with dispatch to implement this recommendation.

The question of appointing these proposed staff members is a vexing one. The Commission considered the idea that these staff persons would be appointed by the committee chairman and by the minority members. The Commission is persuaded, however, that the leadership responsibilities in the House and Senate are such that the leadership should have a voice in the selection of these persons and the Commission's recommendation reflects this belief. An additional justification for appointment by leadership is that in periods when a committee is not active leadership would be in a position to suggest temporary reassignment of staff personnel. The Commission also wishes to note that its recommendation should not be construed to mean that committees in no event should have more than two staff personnel. This is the Commission's

minimum recommendation. In the case of the Senate and House committees dealing with finance and fiscal matters, the staff might be substantially increased beyond the present number.

It should be clearly understood that the Commission's recommendations for additional committee staffing are contingent upon two other developments. First, the legislature must rationalize its committee system and substantially reduce the number of standing committees. Providing additional staff to the present committee system, would, in the Commission's judgment, serve no useful purpose. Secondly, by suggesting that committee staff be employed with regard to their political considerations, the Commission is most assuredly not advocating filling these positions with party hacks. Instead, the Commission expects the legislative leaders to use the same enlightened hiring standards they have employed in the selection of their own senior staff personnel.

The Commission has not had an opportunity to study and evaluate the secretarial and clerical personnel assigned to the members of the House and Senate. The Commission is inclined to believe that the Senate is reasonably well served in this respect and that the House of Representatives has made substantial improvements over the situation which existed a few years ago.

There is a final general matter of legislative personnel to which the Commission has addressed itself. As earlier indicated, all legislative positions and salaries are specified in an act of the General Assembly. This is required by the State Constitution. However, the Commission questions, for a number of reasons, the practice of listing a single salary for each legislative employee. There are several disadvantages to this practice. It greatly restricts the ability of the legislature to hire and promote individuals; it tends to create friction among the legislative staff because every person's salary is known; and the salary act gives no clear evidence of being based on criteria appropriate to a public or private agency in establishing salaries for positions. The Commission is aware that in some instances the salaries reported in the salary bill are not the total salaries of the individuals employed by the legislature, since several persons are compensated additionally through contingency funds available to the leadership.

The legislature already employs 532 people. If this Commission's recommendations are followed, additional personnel will be employed. It seems appropriate therefore for the Commission to suggest that the legislature establish a classification and pay plan. Such a plan would establish criteria for employment and appropriate salary ranges for the educational and experience levels required. The Commission believes such a plan would not be in violation of the constitutional requirement that legislative employees salaries be set by law and that it would be a long overdue advance in personnel hiring practices by the General Assembly. Such a plan would certainly not interfere with the present appointment prerogatives of the legislature. The leadership and caucus officers would still be free to hire persons of their choice, but there would be some reasonable guarantee of competence, some encouragement to the employee that salaries might be increased in the future. The present practice of supplementing staff salaries from contingency funds should be ended.

Legislative Space

There is little doubt that the legislature has made great strides in recent years in providing adequate space, committee facilities, and the like for the General Assembly. In the Commission's judgment, it is also probable that more needs to be done. The Commission has reviewed a recent space analysis study made especially for the legislature and finds itself in general agreement with the objectives of that report. The Commission has not had sufficient time to study some questions raised by the report, but the Commission does endorse most goals of the report, which are to give adequate space, hearing rooms, committee rooms, to the General Assembly for its exclusive use.

The Commission would add one small note to the use of space by the legislature. It is apparent that the legislature now occupies a substantial portion of the main capitol building and it may be that eventually the entire main capitol structure will be devoted almost exclusively for legislative purposes. There are substantial numbers of visitors to the Capitol and Pennsylvania now provides an excellent tour for these visitors, most of whom are school children. With the number of visitors now approaching the 200,000 a year mark, the capitol building itself is the most visited state structure in the Commonwealth. While the Commission believes that the responsibility for the maintenance of space and custodial and guide services and the like should remain with the executive branch, the Commission would suggest that the legislature consider the consequences of this great influx of visitors to the capitol building.

Legislative Management and Service Agencies

In examining questions of legislative staffing, use and expansion of legislative facilities, and the possibility of introducing some new concepts and methods into the legislature, the Commission was troubled by the realization that there is no focal point, no single executive committee for the legislature. The House and Senate go their separate ways; their structure is slightly different, their leadership obviously is, and although the House and Senate leadership rely on their administrative arms—the office of Secretary of the Senate and Chief Clerk of the House—there is nowhere any single management agency for the whole legislature. This absence of central policy making on administrative and management matters, the Commission believes, is harmful to the legislature in its relationship with the public and the executive branch. The Commission proposes a committee composed of the leadership of the House and Senate. It would meet from time to time to establish and modify legislative compensation and pay plans, to allocate legislative space, and to establish such guidelines and policies as are necessary for the administration of the legislature. The Commission believes that, in fact, the leadership in the two houses does find it necessary to confer from time to time. The Commission would build upon this relationship and formalize it so that the overall responsibility for the administration of the legislature is clearly pinpointed in a single agency, accountable, of course, to the membership of the legislature and to the general public.

The Commission does not see a joint management committee as being directly responsible for day to day administration of the activities of either house. Such administrative responsibilities would continue in the office of the Secretary of the Senate and the Chief Clerk of the House. The Commission is inclined to believe, however, that the legislature needs something which might be roughly equivalent to the executive board's functions and responsibilities in the executive branch of government and akin to the administration and finance committee of the Constitutional Convention.

The Commission also examined the existing legislative service agencies. Perhaps most directly concerned with the enactment of legislation is the Legislative Reference Bureau which performs bill drafting functions. The Joint State Government Commission is the major research arm of the legislature. The Local Government Commission prepares legislation affecting local government in Pennsylvania. The Legislative Budget and Finance Committee was created to perform certain oversight functions over the executive branch. The Legislative Data Processing Committee is responsible, as its name implies, for the data processing operations of the legislature. Each of these agencies at present is separately staffed and most are responsible to legislative committees. In the case of the Reference Bureau, however, the Director, once named, serves throughout the session, and there is no provision for supervision by any standing legislative committee.

Finally, there are several libraries serving the legislature. The Commission believes that library facilities should be consolidated.

The Commission is aware that a majority of legislators have suggested consolidation of the legislative service agencies. In a few states, such consolidation has taken place. In other states service agencies have not proliferated as they have in Pennsylvania. On the one hand, consolidation of these service agencies presumably would bring with it more effective use of skilled personnel, possibly lower operating costs, and hopefully, more efficient service to the legislature. On the other hand, each of the existing service agencies performs a separate and distinct function. If the legislature believes these functions are necessary and desirable, then even if the agencies were consolidated, the new larger agency would still be expected to provide them. Parenthetically, it should be noted that the Commission was particularly impressed with the kind of professional and technical competence demonstrated by personnel in most of these staff agencies. The Commission believes that on the whole these agencies perform their services rather effectively and the Commission would be reluctant to recommend any change which might tend to impair the present level of services. However, the Commission is cognizant of some complaints about the kind and quality of performance from certain of these agencies and recognizes the need for improvements.

The Commission feels most keenly, in examining the legislative service agencies, the lack of sufficient time to appraise and evaluate the performance of the agencies and therefore to have a solid base upon which to make a recom-

mendation. The Commission does note, that in some instances while these agencies are supervised by different legislative committees, the membership on the supervisory committees is often the same. For this reason, the Commission suggests the legislature must give additional study to this whole area, particularly the possibility of consolidating the service agencies under a single supervisory committee.*

In its examination of the legislature, the Commission felt the lack of legislative expertise apart from the legislature itself. There are surprisingly few studies, histories, and reports on the Pennsylvania legislature. This has had some effect on the Commission's work. The Commission is more concerned about its effects on the public, particularly that tiny segment of the public which informs the rest of us. The Commission suggests, at least to make a beginning, that the General Assembly establish a legislative fellowship program which will bring citizens, particularly teachers and journalists into the legislature for brief periods. These people, working on assignment to the leadership, can gain an understanding of the legislature and its workings that few persons outside the legislature are privileged to have. The Commission is saying this: Our legislature—its leaders and members and ways of doing things—is better than many of our citizens believe it to be. Its history, its operations, its members, its faults need to be brought to public view by the most able newsmen and professors in our Commonwealth. Any step in this direction is a desirable one.

Recommendation 17. The practice of paying supplemental staff salaries from contingency amounts be terminated, when compensation plans are adopted, as suggested, by the Joint Administrative Management Committee.

Recommendation 18. There be established a joint committee of equal numbers of the House and Senate, appointed by the Speaker of the House and President pro tempore of the Senate, to be known as the Joint Administrative Management Committee, and to have responsibility for establishing uniform policies with respect to the administrative, financial and personnel management of the Legislature, including such matters as personnel work-weeks and hours; job classification, qualification and pay plans (but not appointment of staff); purchasing of supplies and equipment; office space assignment and maintenance; printing and publications; accounting systems; etc. The direct responsibility for administrative functions and housekeeping services for the House and Senate remain in the Chief Clerk of the House and Secretary of the Senate, subject to general policies established by the Joint Administrative Management Committee to which periodic management and financial reports should be made. Under the supervision of the Joint Administrative Management Committee, a modern and comprehensive personnel system, encompassing all legislative staffs be developed, installed and maintained, governing the uniform job qualifications, and specifications, and classifications, compensation, discipline, working hours and conditions,

*While this Report was being completed, the General Assembly created yet another, separate, supervisory committee; this one to operate the Data Processing Center. The House and Senate leaders serve on the committee.

fringe benefits and other related matters, provided that individual appointments of staff will reside in the appointing authorities designated by law.*

Recommendation 19. In accordance with the recent constitutional amendments steps be taken to provide annual audits by competent approved public or private auditors of the expenditures made from the contingency funds and that comprehensive reports of such audits be filed with the designated officer of each body and made available for public examination.

Recommendation 20. The General Assembly study the feasibility of coordinating and consolidating the several joint standing study commissions and service agencies (Joint State Government Commission, Local Government Commission, Budget and Finance Committee, Legislative Reference Bureau, Data Processing Center, Senate Library), and also to the relationship of these agencies to the Committees of both the House and Senate, with the objective of achieving maximum utilization of and productivity from all available research and service resources.

Recommendation 21. There be established a joint reference library, to serve members of both the House and Senate as a central collection of constitutional and statutory complications and related legal documents; legislative journals, histories and other records; reports of special and standing legislative committees; regular and special reports of executive agencies; selected research reports; and documents and reference materials which are pertinent to and useful in the legislative process.

Recommendation 22. A legislative fellowship program, designed to familiarize citizens, editors, journalists and teachers of political science and public administrators with the state legislature, be initiated under the Joint Administrative Management Committee's supervision, providing for fellowships, carrying a substantial stipend, to be awarded to promising journalists and college and university professors who would be assigned to Majority and Minority leadership.

*See memorandum by Mr. Gustave G. Amsterdam, page 45.

4. THE LEGISLATOR AS REPRESENTATIVE

There's got to be in every ward somebody that any bloke can come to and get help. Help, you understand. None of your law and justice, but help.

Martin Lomasney, turn of the century Boston political leader

Few notions in the American political system are more pervasive than the one that it is the fundamental duty of the legislator to foster a continuing interaction between himself and his constituents. The representative function is perhaps the most politically crucial of all the legislator's tasks. And it is the most familiar to him. Many freshman legislators are dismayed to find that the bulk of their time and energies are spent not preparing and introducing legislation, but running errands for their constituents. The legislator must answer an incessant flow of letters and phone calls, do "case work" when necessary, and in general act as the middle man between the state bureaucracy and the citizenry. For many legislators a meaningful interaction between themselves and their constituents is inhibited by the sheer drudgery of "errand-boy" tasks.

The representative role, however, does not stop at running errands for constituents. The legislator is also expected to be guardian of the district and the party interests as well. His success in prompting his district's interests will obviously have great impact on the future of his district and on his own political fortunes.

In regard to party interests the representative function is not so clearly defined, but is well understood by party members. As a representative of his party's interests the legislator recognizes that he has a fundamental duty to promote and defend the well-being of his organization. The legislator's actions on important policy matters stem from a desire to support the commitments of his party and to help transform these into public policy. The function of the legislator as the purveyor of his party's interests takes on special importance in a state like Pennsylvania where the political structure is so highly competitive.

A third aspect of the legislator's role as representative is his responsibility to educate the public, especially his particular district, on the workings of the legislature. For he is in a position not only to sound out the opinions of the community, but indeed to help shape them. By keeping his constituents informed on the problems and issues confronting the legislature, the legislator will often find it easier to defend his own actions before them and to mobilize their consent for new public policies. This educational role of the representative is a crucial one, yet too often its importance is minimized by legislators.

The Commission might wish that legislators would approach their duties as representative by consciously making a choice between two basic role orientations. One, that of the free agent as Edmund Burke recommended in 1774 whose "unbiased opinion, mature judgment, and enlightened conscience he ought not to sacrifice to you, to any man, or to set of men living". Such a free agent is attentive to the needs of his constituents but recognizes that in the final analysis the decision he makes must be founded on his own reasoned judgement of the common good and not on local prejudices.

On the other hand, there is the legislator who perceives of his representative

role as that of an agent for his consistency. He thinks of himself as a mirror of his district's interests and is constantly made aware that his record is highly visible to his constituency. The constituent agent comes to the task of decision making with the notion that his district elected him to carry out its wishes, and thus, he has no political or moral justification for supplanting these with his own judgment. It is this latter role, that of constituent agent, which is most often followed by Pennsylvania legislators, in the Commission's judgment.

The evidence is persuasive to the Commission that one of the most striking features of Pennsylvania legislative politics is its high degree of localism. Significant numbers of our legislators were born and raised in the county from which they were elected to the General Assembly. Although there is evidence that on the whole the legislator is better educated and for a higher social status than his constituents there are several factors which serve to promote the strong ties between the representative and the represented, to make the free agent role virtually unfeasible for our legislators. There is first a great social, economic, and ethnic diversity in Pennsylvania which exists in few other states. In addition to this social and economic diversity there is a significant ethnic diversity created by the presence of some 770,000 foreign-born residents. Finally, a poll of affiliated church members in the state shows 47.9 per cent Protestants, 46.4 per cent Catholics and 5.7 per cent Jews with the Catholics and Jews predominating in the urban and mining centers in the east and west of the state and the Protestants sprinkled throughout the suburbs and central rural regions.

The effect of such diversity on the politics of the state has been the tendency for districts to pick one of their own to represent their interests in Harrisburg, amid so many competing interests. Normally a district will elect a man whose birth-right characteristics are representative of that district in respect to race, religion and national origin. Thus the typical Pennsylvania legislator has traditionally been a product characteristic of his environment and bound so closely to interests of that environment that the role orientation of free agent has been difficult for him to assume, perhaps even in some cases to recognize.

A second factor contributing to the legislator's orientation to the district agent roll is the less than full time nature of the legislator's job. With legislative salaries in Pennsylvania substantially below salaries paid to men in comparable positions in private life, the legislator has traditionally been one who supplemented his legislative salary with a private income. The legislator continually involved in the main stream of community life through his private occupation is in a position highly susceptible to constituency interests and demands. A completely "full time" legislator might not be so susceptible. His very presence in the community makes it difficult for him to separate himself from the interests of the community when undertaking his tasks in Harrisburg. By the same token his day to day local interests can enhance his representative capability.

The Commission believes that Pennsylvania has been fortunate in being able to come to grips so effectively with its peculiar problems of localism and yet maintaining strong party discipline and therefore party accountability in the legislature. The Commission believes that it would be unrealistic to advocate

the free agent role for representatives. Indeed it is so impressed with the nature of representation now that it wishes to build on that and even enhance it. We do this indirectly through an increase in legislative salaries. An increase in salaries will hopefully widen the now rather limited occupational range of the legislature and tend to make it even more representative of the wide socio-economic diversity in the state. As salaries are increased it is hoped that fewer legislators will find it necessary to supplement their public salary with a private income. But it is important to note that the Commission has not excluded high income persons by absolutely prohibiting private incomes for public representatives. It is merely seeking to make the office of state legislator less of a luxury and more of a possibility for those in the state who are not in the enviable position of having a private income with which to bolster a public salary.

The Commission also considered two other aspects of the representative role—the legislator's servicing of constituent requests and legislator's communications with his own district.

There has been much interest in the ombudsman concept and its possible application to American government. The concept of a "public redresser of grievances" has been implemented in Scandinavian countries, and in a few places in the United States. Bills have been introduced in Pennsylvania to create the office.

Although there are many variations, the idea of an "ombudsman" basically involves naming an individual or agency, either in the executive branch or in the legislature, to handle citizen complaints and investigate unresponsive agencies or arrogant administrators.

The Commission concurs with those who advocate the ombudsman office that there is unfortunately "the insolence of office." It seems to the Commission, however, that the ombudsman function and responsibility are so intertwined with that of the legislator as to be inseparable. In theory and in practice, the ombudsman role is central to the role of the representative. To be sure, the legislator can default on this responsibility, but it seems to the Commission that the legislature should not create an agency to do something that it should do on its own.

The Commission believes as a fact that legislators can get responses from bureaucracy that others, again unfortunately, sometimes can not get. The Commission proposes that agencies in the executive branch designate a senior staff member or members to be legislative services agents, coordinating departmental services with legislators. A few departments now do this, and although this matter is perhaps beyond the purview of the Commission, the procedure is commendable and ought to be adopted by more of the executive agencies. The Commission also suggests to the legislature that it create an office for service to constituents.

The Commission also considered another aspect of the legislator's representative role. The availability of the mass media should not, in the Commission's judgment, obscure the need for improving communications between the legislature collectively and with the general public. There are wire service staff

members who cover state government. A few newspapers and broadcasting services have full-time men on the Hill. Many Pennsylvania news outlets, however, must rely entirely on wire services for all legislative news.

The Commission's suggestions are designed to enhance the ability of the established media to report legislative actions, and improve the individual legislator's ability to communicate with his district. The Commission's recommendations, hopefully, will improve public understanding of what the legislature is doing.

Recommendation 23. A legislative information and service department be established on a professional and non-partisan basis to which legislators can turn for information or services for their constituents from state departments and agencies.

Recommendation 24. A public information bureau be established to distribute regular summaries of legislative actions to all news media in the state.

Recommendation 25. A room be provided convenient to the halls of the two houses where interviews with legislators may be taped or filmed (the cost of such interviews not to be borne by the Commonwealth).

5. THE LEGISLATOR AS LAWMAKER

In a time of affirmative government . . . state legislatures are often decisive in determining whether, or how well, something should be done.

Alexander Heard, Chancellor of Vanderbilt University

The deliberative aspect of a legislature's work is especially important in view of the increasing tendency for legislatures to dispose, rather than propose, in the matter of legislation. In modern democracies executives propose and legislatures dispose. It is the governor who largely determines the legislative agenda. He may share this power with important state interests, with legislative leaders, but his political advantage and influence is superior.

In the Commission's view, this is not necessarily bad. The executives almost always have more information, more pertinent information, and more recent information, than legislators. The executive is obliged by the perspective of his office (and the sake of his career) to look to the wider interests of the whole; he escapes the provincialism of the legislative body.

The legislature, the Commission believes, cannot return to some imaginary golden age of lawmaking monopoly. Instead, their still important part in law-making is one of debate and discussion, the protection of parochial interests against burdensome general regulations, and legitimizing new policies by legislative approval after thorough debate.

The Commission believes efforts to improve the law-making function of the legislature, then, should be addressed to the problem of making the legislature more effective as a deliberative and decision-making institution. At least three general problems have hindered the Pennsylvania General Assembly's accomplishment of its goals in this area. First, the legislators themselves have found it difficult to secure sufficient information to cope with the myriad of issues upon which they are asked to exercise judgment. Second, the legislative committee system—the system that is the heart of the legislative process in the U. S. Congress—has worked unevenly and sometimes haphazardly. Issues that should have been resolved there have on numerous occasions been thrown instead on to the floors of the legislature. Third, the scheduling of legislative sessions has been far too casual for effective performance. Each of these three problems deserves some comment as an introduction to the Commission's recommendations.

"The most trying aspect of a legislator's life," writes Duane Lockard, a former Connecticut state senator, "is the frustrations borne of inadequate time to cope with the flood of issues and problems that a session involves." Most Pennsylvania legislators would probably concur. In response to a questionnaire circulated during the Commission's study, the legislators overwhelmingly favored such changes as expanded staffing. The Commission believes that Pennsylvania legislators do not currently have adequate sources of information on which to draw in their work, and it recommends staff improvements at a number of levels.

A long-standing truism about the U. S. Congress is that the "real" work of Congress is done in the standing committees. Committees there serve to work out most major issues surrounding legislation before the legislation is reported

to the floor for debate and final passage. The same statement cannot be fairly made about the Pennsylvania legislature. Committee weakness may not necessarily impair the deliberative and decision-making work of the Assembly on *all* sorts of issues. Where legislative party responsibility comes into play—for instance, in the settlement of tax issues—the party caucuses should, and in fact do, take precedence over committee work.

At the same time, the Commission believes the legislative process requires changes in the standing committee system. In the absence of effective committees, the legislature is forced to perform much of its work on the floors of the chambers. In Pennsylvania, the chambers regularly recommit to committee each session many bills that the standing committees released but which, on closer examination, appeared to have little merit. More importantly, an ineffectual committee system does not permit legislators to obtain the expertise in specific policy areas that they would develop under a more rationalized system. The Commission believes that Pennsylvania's legislative committees can and must play a more basic role in the legislative process than they have in the past. The Commission thinks that the number of committees should be reduced, and that the new consolidated committees should be equipped for more meaningful deliberation and decision-making. It believes further that improved committee performance can significantly add to the effectiveness of the present legislative caucuses. The Commission finds no necessary conflict between stronger committees and a strong caucus system. It believes that by undertaking greater responsibility for the settlement of minor issues, the committees will help to free the caucuses to deal more fully with those public issues of paramount concern to the legislative parties and to the governor. It is on these issues that the caucuses should, after all, devote the bulk of their time.

Finally, effective deliberation and decision-making requires that the legislature follow an orderly working schedule. Most state legislatures tend to work sporadically and episodically, and the Pennsylvania General Assembly is a leading example. Typically, the Assembly is in session two or three days a week, and not more than ten days a month. Whatever merits this work schedule may have for an individual legislator, who has a business at home, it tends to weaken the effectiveness of the legislature as an institution. Pressing public issues tend to be postponed, and then postponed again, inasmuch as the legislature never quite stays in session long enough to reach agreement on them. Such delays tend to create suspicion and cynicism toward the legislature on the part of groups affected by its decisions. Worse still, the expertise that individual legislators and groups of legislators may develop on specific pieces of legislation may be lost if weeks or months transpire between the time of committee reports and the occasion for debate and final passage.

To make more efficient use of legislative time, the Commission believes that the Assembly should agree on a general working schedule at the beginning of a two-year legislative term. The details of this are left to the Assembly; the Commission's central point is that some schedule should be set down early as a guide for the legislature to refer to as the session progresses. Increased staff

facilities and more effective committees should enable the legislature to spend more of its time in session, inasmuch as legislators will have less need to return personally to their districts to acquire elementary factual data and secretarial help. In other words, the Commission believes that the General Assembly should conduct its scheduling in a manner more similar to that of the U. S. Congress than it does at present. With better staffs, improved committees, and more continuous sessions, the Commission thinks that the legislature can become a more effective deliberative and decision-making body. In that way, it can better contribute its special competences to the job of law-making.

One aspect of the Commission's general approach to the law-making function deserves special mention, for two reasons. First, it is the only sharp disagreement between the Commission's thinking and the general reaction of Pennsylvania legislators who responded to the Commission's questionnaire.

That in itself is note-worthy, but not because the Commission tried to structure its recommendations to agree with legislators opinions, (in point of fact, the Commission's thinking was crystallizing prior to tabulation of the responses). What is more important is that the Commission's goal is to make visible and public the now secretive work of the committees. The Commission, as noted earlier, recognizes that the caucus must be private. It recognizes, too, that provision must be made for executive sessions of committees. But it strongly believes that the presumption is for open committee meetings, with open discussion and open voting.

If there are problems of legislative credibility, and the Commission thinks there are, continuance of legislative secrecy compounds them. It is on this belief that the Commission bases its suggestions.

The Commission's recommendations to improve the law-making function follow. They include bill introduction procedures, action on bills, committee procedures, reporting, and the scheduling of sessions.

The Introduction of Bills

An important point at which the legislative process may be expedited is that at which bills are presented to each House. Important considerations are early completion of the drafting process, reduction or elimination of time consuming formalities, and reduction in the numbers of bills that are introduced on the same subject, often identical in form.

A majority of the bills in the Pennsylvania General Assembly are drafted by the Legislative Reference Bureau, although the Attorney General's office also plays an important part in drafting, particularly with regard to proposals that originate in executive departments. The Reference Bureau is a continually working agency, engaged in bill drafting between sessions of the legislature. About 1,000 bills usually are drafted prior to the convening of the session, and these are likely to be important bills requiring careful preparation.

Introduction of bills is simple in the House. The member who introduces the bill endorses it with the title, his name and date, depositing with the Chief Clerk the original together with two duplicates properly endorsed. After the

day's session all newly introduced bills are presented to the Speaker who then assigns each bill to a committee.

The bill introduction procedure is more formal in the Senate. The member introducing a bill rises in place, addresses the chair, and introduces his bill. The chair responds, the Clerk reads the title and the bill is then referred to a committee.

There is a pre-session bill filing practice in the House but not in the Senate. In the House the bill is presented to the Chief Clerk who files it with the Speaker. There are occasions when the Chief Clerk's office is by-passed and the bill is presented directly to the Speaker's office. Pre-session filing, however, applies to less than one percent of all House bills.

Elimination of formalities would speed up sessions and permit valuable time to be devoted to the more important content of the legislation itself.

It is quite common in both houses for two or more identical bills to be introduced, or bills which deal with the same subject matter, and contain relatively minor differences in wording. This arises quite naturally because more than one legislator may desire the same change or may have been approached by different individuals seeking the same change. It may also arise because legislators, also quite naturally, wish to take action (and to receive credit for that action) to advance proposals in which they are interested. Nevertheless, the result is additional printing costs as well as additional time on the part of the committees considering these bills.

A bill introduced in the House or Senate contains in its title a phrase or sentence intended to convey the purpose of the bill. Other than this there is no brief statement of the intent or purpose of a bill available to the membership at large. At the present time, the Legislative Reference Bureau, when a bill is reported out of committee and some action is expected, prepares a synopsis of the bill for the leadership of each house.

A serious problem in a legislative body is that of approving bills without sufficient knowledge of the effect of the bill upon state finance. The Pennsylvania General Assembly has had House Bill 2022 under consideration in the recent session. This bill would have required that fiscal notes be attached to all bills, other than appropriation bills, giving estimates of current and long-range costs, or loss of revenues, that would result from enactment of the bill or resolution in question. The Budget Secretary at the present time estimates the costs of certain bills, but H.B. 2022 would require that this be done for all bills and resolutions.

The practice of attaching fiscal notes to bills is in effect in some states, and the principle of this device for informing legislators of the fiscal impact of bills under their consideration has been advocated for a number of years by the National Legislative Conference.

Voting on Bills

The voting procedure on bills is different in each house. The House uses electric roll call equipment. The Senate continues to use the voice roll call system.

A "short" roll call is used most of the time in the Senate to expedite the voting

process. It consists of calling only the first two or three and the last two or three names on the roll. The long-roll call is used only upon request for controversial legislation. The vote usually is known before it officially takes place. If, on a short roll call vote, a Senator wishes to vote against the majority, he may make his vote known. If a member is absent he may make his vote known "on the record" but not on the actual tally sheet.

As of January 1, 1967, ten states (including the Nebraska Unicameral Legislature) had electric roll call systems in both Houses. Twenty-five states, of which Pennsylvania is one, had these systems in the lower House only.

The long roll call as still used consumes unnecessary time. The short roll call is not a proper recording of each member's vote and furthermore, in consent calendar situations, permits "phantom voting" when only a handful of the membership may be on the floor.

The House, to insure against absentee voting, uses two checks. At the start of each day's session a quorum call is taken where only those in their seats can vote. After this has been recorded, latecomers must make their presence known either by using the microphone or by advising the person handling the roll call of their presence. As a double check a chart is marked of all those present. If a member is not in his seat, yet is recorded on a roll call, the majority or minority whip is contacted and verifies a member's presence or absence.

Despite the above procedures, voting on behalf of absentees has occurred—some instances well publicized.

Recommendation 26. The rules of the Senate be revised to permit the introduction of bills by filing with the Secretary.

a. During a session

b. Prior to the beginning of the second session of a two-year legislature.

Recommendation 27. A screening committee be established by each house to reduce or eliminate the duplication of bills and that as one means the rules of each house be amended to permit sponsor names to be added to a bill at any time while it remains in committee.*

Recommendation 28. A synopsis of each bill be prepared by the Legislative Reference Bureau and attached to the bill at the time of introduction. The synopsis is not to be construed to have legal effect.*

Recommendation 29. A fiscal note containing an estimate of the current and long-range costs or revenue loss resulting from the passage of a bill be prepared by the legislative staff and attached to the bill at the time it is reported from committee. The estimate is not to have legal effect.

Recommendation 30. A day of the week and a time be assigned by rule for regular meetings of each committee (although regular meetings might be at intervals other than weekly).

Recommendation 31. The Senate adopt and install the electric roll call system.

Recommendation 32. Both houses take appropriate steps to insure against voting on behalf of absentees.

*See memoranda by Mr. Robert E. Woodside, page 44.

Committee Policies and Procedures

The operation of the Committee system in both houses appears to be subject, for the most part, to custom and to the discretion of the respective chairmen. There are almost no rules in either house governing committee procedures. For example, the basis of all committee action is the simple majority vote. However, this is a product of custom, since there is no relevant specific rule in either house.

Committee meetings in both houses are generally closed to the public and are restricted to elected members unless the committee, by its own action, invites an outsider to appear, or unless it decides to hold a public hearing. If outsiders are invited to attend, they are requested to leave before any committee action is taken.

The proceedings of committee meetings are not divulged to either house. Actions taken by committees are, of course, made known. According to Rule 29 of the House "each standing committee should keep a record of all committee action, which record shall be open for examination to any member of the house or to others upon permission granted by the committee." The only record of committee action made known to the general public is the final vote on bills. The votes of individual members are not made known.

No regular days and times are assigned for the meetings of the committees in the respective houses. Weekly schedules of committee meetings are sometimes posted, but not always. Scheduled meetings are not as widely publicized as would be desirable were the committee process to be more open to the public.

Judging from the recommendations made by legislative study groups in a number of states the secrecy of the committee process is a common problem. There are numerous recommendations that there be full reporting and disclosure of all committee actions and, to some degree, of committee proceedings although the need for executive sessions is recognized.

Public hearings by committees in either house are an infrequent occurrence, are used to permit airing of controversial issues, but are held entirely at the discretion of the committee concerned. Although there is advance notice of such meetings there does not appear to be any regularized procedure to keep the general public informed on forthcoming committee hearings. Joint hearings by committees of both houses are even less frequent and, in fact, have been used only sparingly by the two appropriation committees.

The Council of State Government, reports a trend toward requiring that committee hearings be opened to the public, noting that 20 states had such a requirement in 1965 compared with 16 in 1959. In most states the question of whether the hearing is to open remains discretionary as it is in Pennsylvania. The frequency of hearings apparently runs the whole range from the very frequent to the very very infrequent.

The Commission believes that a fuller use of the hearing device would better acquaint the general public with the issues of important matters of policy and would result in a better understanding of the legislative process and of the actions finally taken by the General Assembly.

Discretion as to when or whether to call up a bill for committee action is vested largely in the chairmen, subject also to the desires of the leadership. Com-

mittee members have little voice in such questions. In neither the House nor the Senate is there any deadline applied for formal action to be taken by committees on the bills before them. The Senate and the House both have recall or discharge procedures requiring a majority vote—which have rarely been used. Thus, the common expression that a bill has “died in committee.” Bills often disappear into committees without any record that they ever received any consideration.

Recommendation 33. There be parallel committees in the two houses (except for executive nominations in the Senate).

Recommendation 34. Committee chairmen in the House not serve on any other committee and members serve on at least one but not more than two committees; in the Senate due to its smaller size, chairmen and members serve on not more than three or four committees (rules committees are composed primarily of the leadership).

Recommendation 35. The composition of the committees reflect the political divisions in each house as closely as feasible, while providing an effective majority in each committee.

Recommendation 36. Committees be divided into sub-committees where warranted.

Recommendation 37. Committee procedures be regularized and formalized through the adoption by each house of rules and regulations; the rules to include but not be limited to recommendations that follow:

Recommendation 38. Schedule of committee meetings be publicized and any off-schedule meetings be announced as far in advance as possible.

Recommendation 39. Committee meetings be open to the public when bills or other formal actions are voted on, but that provisions be made for executive sessions.*

Recommendation 40. Majority of the members of the committee be able to call up a bill for committee action.

Recommendation 41. A majority of the members of a committee be able to call a meeting subject to suitable advance notice by petition to the chairman or if necessary to the President pro tempore of the Senate or the Speaker of the House.

Recommendation 42. The votes of individual committee members be made public.*

Recommendation 43. Committees be required to act either affirmatively or negatively on all bills before them by thirty (30) days before the date fixed for the end of the session.*

Recommendation 44. Committees hold more public hearings.

Recommendation 45. Where feasible, joint hearings on the same bills be held by the appropriate committees in each house.

*See memoranda by Mr. William G. Willis and Mr. Robert E. Woodside, page 45.

Scheduling Legislative Activity

In neither the Senate nor the House is there evidence of advance planning concerning the length of a legislative session or time tables for bill introduction, committee action, and other phases of legislative activity. The nearest thing to such a limit, and one that may have a very important effect on the schedules of future legislatures, is the new provision in the Constitution requiring the General Assembly to set the day when the Governor's budget must be submitted. The importance of this new requirement derives from the fact that action on the budget, and on implementing appropriation bills and revenue measures, is always the focal point around which the General Assembly considers all other kinds of legislation.

From time to time, part way through a session and in an effort to speed it to a conclusion, deadlines have been established for the introduction of bills. It is reported, however, that the leadership tends to be lenient about imposing the deadline. A result of the lack of planning and scheduling for legislative activities has often been sessions that have extended from one end of the year to the other, but with a limited number of actual legislative days, with work week short, activity intermittent, and recesses frequent. With late introduction of bills and delayed committee action, session-ending log-jams are not uncommon.

A majority of states, either by law or by rule of the legislature, impose time limits on the introduction of bills. Studies of the legislative process in a number of states, as well as the report of the American Assembly, recommend an imposition of such limits. The Commission believes that the best interests of the legislative process in Pennsylvania would be served by advance planning and orderly scheduling of all legislative activities.

Recommendation 46. Legislation be enacted to require the General Assembly at the beginning of a two year legislative term adopt a joint resolution fixing a schedule for its activities (and providing for a recess midway in each year's session to give the leadership an opportunity to review progress to date, make plans, and amend the schedule if necessary); other legislative activity not to be permitted until the schedule has been adopted. The Commission suggests further that the following dates and periods would be most suitable for the schedule:

- a. Final date for introduction of bills—sixty days before adjournment (exceptions to be approved by the rules committee)
- b. Final date for committee action on bills—thirty days before adjournment (exceptions to be approved by the rules committee)
- c. Final adjournment July 31st
- d. Three days is the minimum legislative work week to go to five when the workload warrants

Information Services

Pennsylvania is one of the first states in the nation to make use of data processing as an integral part of the legislative process. The legislative data processing center is now able to do the following with regard to bills and amendments:

1. Print out all bills referred to and reported out of or remaining in specific committees.
2. Provide all history concerning a specific bill.
3. Show all House, Senate and Executive action on a specific bill.
4. Show the most recent action on a bill.

It is hoped that in the near future all laws pertaining to certain subjects from other states will be programmed into the computer thus enabling a legislator to obtain this information without the time consuming process of waiting for written responses. Pennsylvania's statutes are now programmed into the computer and there is consideration of doing this programming by codes such as the vehicle, school, or penal codes.

The Legislative Journal is a verbatim text of the proceedings of the House and Senate. All debate on the floor must be entered in the Journal (Rule 35). The major shortcoming of the Journal is that it is never up to date and therefore is of more use to historians than it is to members of the General Assembly or those who must follow its activities closely. It is impossible to obtain a written record of a previous day's session (as for example, in order to prepare a written response to remarks made on the floor) and the Journal falls a week, a month or more behind as the session progresses.

The House and Senate History, Rules 36 and 46 respectively, give the short titles on bills as well as the latest action on each bill. The histories are published weekly during session, and usually are available the following Monday. At one time the histories contained the detailed chronology for each bill. Beginning in 1968, however, in the interest of making what has now become a two year history less bulky, they have been condensed and for each bill show only the date of introduction and the date of the most recent action. This has lessened their usefulness in following the trail of a bill. It may also be remarked that the indexes in the histories are not always accurate and may be difficult to follow. Both the Journal and the Histories are available to the public as well as to the legislators.

Other information services involve both internal legislative communication and information from the legislature to the public.

The Commission suggests that steps be taken to provide added assistance to the legislator, by establishing a source for information and research relating to legislation. One aspect of this is informing the legislator of appropriate state judicial opinions and federal legislation and opinions having a bearing on Pennsylvania statutes.

The Commission commends the work of the Legislative Reference Bureau in drafting bills, and would build on this capability by expanding the staff. It is suggested that recruiting procedures be stepped up and that in-service training programs be established. Finally, the Commission believes that this staff should be employed and retained on a merit basis.

The accuracy of legislation, the printing of statutes and early availability to the public of the General Assembly's work are of highest priority and the Commission has so regarded it.

A long-standing and common source of criticisms of the legislative process has been the time which elapses from enactment of laws until they become available to the public in printed form.

Although bills in process of consideration are printed promptly, often in a matter of hours, once the bill is enacted months may elapse before single copies (known as "slip laws") become available. The compiled, indexed and bound volumes of acts of each session (known as pamphlet laws) usually are not available until a year or longer following the close of each session.

The responsibility for printing and distributing laws traditionally has rested with the Secretary of the Commonwealth. Prior to 1964, he also was required to punctuate all legislative acts, and since 1933 this officer is charged with proof-reading and editing acts to correct spelling, errors and other defects not affecting the substance or meaning of the law.

The Commission's inquiries of the Secretary of the Commonwealth and his aide in charge of processing legislation revealed that the delays in printing laws are caused by a combination of factors. A major reason for delay is the multiplicity of steps and individual agencies involved in reviewing and correcting errors in legislation enacted. It is the practice to submit all acts to the agency concerned and to the Attorney General for review, and to await comments from the Legislative Reference Bureau. Other delaying factors are lack of adequate proof-reading staff in the Department of State, peak loads of legislation enacted at the close of each session and the practice of utilizing the same commercial printer who also prints legislative bills and journals which have priority over the printing of completed laws.

The Commission believes it to be imperative that steps be taken to expedite the processing, printing and distribution of laws, to minimize delays in their being made available to all citizens interested and affected. This will reduce justified public criticism of the legislative process, better serve the public and help to insure prompt and effective compliance with legislative enactments.

The Commission considered the effects on frequency and promptness of publication of pamphlet laws of the recent constitutional amendment providing for a continuing body during the two-year term of office of representatives.

It is evident that there are certain economic advantages in the practice of contracting for printing of individual and compiled laws with the same printer retained to print bills and other legislative documents. However, it is believed that any such advantages are more than offset by the disadvantages of excessive delays caused by the printer giving first priority to the printing of bills while the legislature is in session, and postponing printing of laws until the legislature is adjourned or in recess.

Pamphlet laws are presently printed in substantial quantities for free distribution, principally through members of the General Assembly, to attorneys and others. Apparently, the supply exceeds the demand, as it was reported that an accumulated surplus of approximately 90,000 volumes was destroyed recently. In view of the considerable cost of printing and binding the Commission believes that every effort should be made to minimize waste and unjustifiable

generosity in the free distribution of pamphlet laws and other legislative publications.

Recommendation 47. There be assigned to one of the existing joint study or service agencies (e.g., Joint State Government Commission, Legislative Reference Bureau) the responsibility for providing for individual legislators a central source of information and research relating to legislation, to the end that the lawmaking function of the legislator will be enhanced.

Recommendation 48. There be assigned as a function of an existing joint study or service agency (preferably the Joint State Government Commission or Legislative Reference Bureau) the responsibility for screening and reviewing all federal legislation and judicial opinions issued by the statewide or common pleas courts, to extract references to needed legislation or new amendments of existing laws, laws declared unconstitutional, and for preparation of reports thereof for use of all members of the General Assembly.

Recommendation 49. There be established a joint reference library, to serve members of both the House and Senate as a central collection of constitutional and statutory compilations and related legal documents; legislative journals, histories and other records; reports of special and standing legislative committees; regular and special reports of executive agencies; and selected research reports, documents and reference materials which are pertinent to and useful in the legislative process.

Recommendation 50. The commendable progress made to date in applying electronic data processing techniques and equipment to facilitate legislative services and processes be continued, and the data processing function be under the general policy direction of the proposed Joint Administrative Management Committee.

Recommendation 51. The staff of the Legislative Reference Bureau be expanded in number, particularly the bill-drafting and proof-reading staff with special care being exercised to make certain that high standards of professional skill are observed, and that correspondingly adequate compensation is provided, to permit proper preparation and care of bills and to insure prompt drafting and advisory service to legislators. That effort be made to recruit legislative draftsmen from law schools, and that regular in-service training be instituted, utilizing as lecturers outstanding drafting experts from law schools and other states.

Recommendation 52. Efforts be made and methods studied to make the Legislative Journal a more up-to-date record of proceedings.

Recommendation 53. The responsibility for seeing to the correctness and accuracy of all legislation, whenever possible prior to its final enactment by approval of the Governor, be lodged with the legislative branch and be assigned specifically to the Legislative Reference Bureau. The Secretary of the Commonwealth should be relieved of his responsibility to proof-read laws and to correct errors therein.

Recommendation 54. Pamphlet laws be published in annual volumes,

each to include the acts of a given calendar year, which should be numbered consecutively beginning with number one.

Recommendation 55. Specific completion dates be incorporated in specifications and contracts for printing laws and that such contracts be made with printers other than those utilized to print bills and other current legislative documents, when this will result in more prompt publication and distribution of laws.

Recommendation 56. A study be undertaken by the legislature of the policies and practices of free distribution of bound pamphlet laws and other publications, to determine the need and desirability of imposing reasonable restrictions upon such distribution.

6. THE LEGISLATOR AS OVERSEER

Who shall guard the guardians?

Juvenal, 2nd Century Roman lawyer

The Commission believes the key word for the oversight function is responsibility. It is the legislature's job, individually and collectively, to keep the administration accountable to the goals, principles and objectives that have been jointly enunciated by political executives and the legislature. Because of the nature of the executive-administrative relationship one can not always be sure that policy is being conscientiously carried out. "Who shall guard the guardians?" is a question as appropriate now as it was in Cicero's time. The answer is that the legislature shall guard the guardians in democratic society. The Commission then addressed itself to the task of helping the legislature in a responsible and sensitive exercise of its oversight duties.

The Commission believes that one of the most important and least understood functions of the legislature is the job of overseeing the operation of the executive departments. This particular legislative task is perhaps not immediately apparent. It is generally assumed in a democratic society that the governed should exercise a relatively high degree of control over those persons doing the governing. Control implies something more than formal election of men to office periodically; it suggests the need for continuous popular supervision over those persons charged with the making and execution of laws and regulations. Part of this need is satisfied, of course, by the popular election of the Governor and certain other State officials. On the other hand, the operation of present day state government makes it vitally important that the legislature also perform this function. Several reasons can be cited to support the need of legislative oversight.

In the first place, the oversight function of the legislature is really a continuation of the law-making function. The administration of any major statute typically involves the exercise of a considerable amount of discretion or choice among alternative lines of action. The executive is deeply involved in the setting down of rules. One of the great trends in twentieth century government has been the growth and the size and decision making powers of the executive branch as contrasted with the legislative branch. The root cause seems to be technical complexity. As our society becomes more interdependent and complicated so do the rules governing it. Moreover the rules must be continually adjusted to changing circumstances. Neither of these conditions augers well for the legislature. Its slow moving processes permit mainly the passage of general statutes, with increasing powers delegated to the executive to fill in the details. Legislative oversight of administrative activities then becomes essential if the legislature is to fully exercise its lawmaking function.

A second reason why oversight is a basic legislative job is that only the legislature may be in a position to evaluate from a public standpoint the activities of government. Government today is increasingly a government of specialists and technocrats. Specialists are valuable, indeed necessary, but excessive reliance on them may provoke unhealthy consequences in the formulation of public policy. Specialists are after all members of select groups drawn from limited segments of society and they frequently share assumptions and outlooks not necessarily adhered to by citizens over whom they make decisions. They may acquire vested interests in their programs and for that reason may fail to raise

basic questions about possible undesirable side effects of these programs and possible alternative courses of action. To keep specialists, as the saying goes "on tap and not on top," legislative oversight is essential.

A third and final reason why the Commission believes oversight to be a crucial function of the legislature is that it helps to maintain citizen support for the state government. Citizens are more likely to be affected in their daily lives by administrative rulings than by legislative acts, and some public knowledge of what is taking place in administrative agencies is essential if confidence in the government is to be maintained. A serious problem of state government is that many citizens have only a fuzzy understanding of its workings and its relevance to them. Legislative oversight in this respect provides a crucial and continuing link between the citizen and state administrative agencies, and helps in overcoming suspicion or overt hostility on the part of people affected by these agencies.

In recognizing the importance of the oversight function the Commission has sought only to equip the General Assembly with some tools necessary for this job.

In addressing itself to the oversight role the Commission is mindful that this function nationally and in state legislatures has been badly performed. It has been characterized by the extremes of narrow and technical post-audits on the one hand, and the sensationalism of klieg-lighted investigations on the other. Neither of these approaches has served the legislature or the executive or the public as a whole. The Commission in considering the oversight function is emphatically not considering it as the occasional legislative foray into the vast expanse of the executive domain. Oversight is not witch-hunting and fishing expeditions, nor is it sporadic attempts to harrass and embarrass the executive branch of government.

Although the oversight role has too often been unappreciated or even neglected, there are indications that the General Assembly is cognizant that they do have a responsibility in this area; they have taken some small, and in the Commission's judgment, halting steps to meet these responsibilities. By statute, the General Assembly has required the compilation and publishing of administrative rules and regulations. The legislature has created a special legislative budget and finance committee, commonly known as the watch-dog committee, whose job it is to scrutinize executive branch expenditures.

The Commission considered a special standing committee on government operations, and also considered special sub-committees in each substantive committee, especially for the oversight function. The Commission rejected these approaches; it was concerned that, if only a single agency or committee is charged with the oversight responsibility, the legislature's problem will be compounded in that legislators not actively involved in these groups will feel no sense of responsibility for executive oversight. The Commission strongly believes that the oversight role is one that every legislator should and can perform. The Commission believes that the preconditions for effective oversight include a combination of Commission suggestions: professional staff services for legislators and for legislative committees sufficient to provide them with sources of information and data independent of the executive; a legislative committee system in which the standing committees are roughly articulated with the various agencies in cabinet departments in order that individual committees may be-

come extremely familiar with the work of departments and agencies; and a scheduling of legislators' time so that they have some opportunity to perform the job of oversight. Additionally, individual legislators in their home districts might be expected to serve at the same time their constituents and their legislative colleagues, by maintaining a constant surveillance of the fairness and efficiency of administrative services in their districts.

The possibilities for improving the oversight function seem nearly endless. This Commission strongly believes that unless the General Assembly treats oversight as one of its central functions it may gradually lose its effective powers to the executive branch, as the job of rule making in our society grows ever more demanding and complex.

In addition to the earlier recommendations for improving the legislature's ability to exercise its oversight function, the Commission makes two specific suggestions.

Recommendation 57. The function of legislative oversight over executive branch operations and programs be exercised generally through the standing committees.

Recommendation 57. That there be assigned to an existing joint study or service agency the function and responsibility of reviewing, classifying and analyzing rules and regulations issued by executive agencies which implement legislation, to evaluate the extent to which such rules and regulations carry out (or vitiate) the legislative intent, and to issue period reports thereon to the legislature.

MEMORANDA OF COMMENT, RESERVATION OR EXCEPTION

Statement—By Mr. Robert E. Woodside:

I am not happy with the list of "Primary Recommendations." Some among them are of little importance, while some of the most vital recommendations are omitted. I am pleased that 4, 46, and 55 are there, but disappointed that 48, 51, and 53 are not.

Recommendation 51 relating to enlarging, recruiting, and training staff for the Legislative Reference Bureau which drafts bills and amendments could do more to improve our laws than any other recommendation we made. We have suggested many ways that the legislature can operate more efficiently, improve its image, and expand the services its members render to their constituents. All of these are important, but the real purpose of a legislature is to do none of these things. Its real purpose is to make laws. But legislators don't write laws—draftsmen write them. Legislators only approve or disapprove what the draftsmen have done. Good draftsmen make good laws out of poor ideas and poor draftsmen make bad laws out of good laws. Pennsylvania has been fortunate over the years to have good draftsmen, but drafting bills is an art, not a science, and perfection is never attainable. The quality of drafting bills and amendments can and should be improved. Drafting must be done by competent, well-trained, well-paid, alert lawyers, proof-readers and technicians. It will not be well done by any who look upon their position as a reward for political services. The legislature should spare no effort or expense to secure the best drafting possible.

Recommendation 53, along with 55, should accomplish a long-needed reform. One of the longest standing (at least 35 years) and most inexcusable derelictions in state government has been the lag (usually months and sometimes over a year) between the time a law becomes effective and the time when an official copy becomes available. Conduct is made criminal, privileges are granted, liabilities are imposed and regulations established by the legislature that even judges and lawyers cannot learn about from any official source until months later.

Recommendation 4 and 48 speak for themselves, but 46 deserves special attention. Nothing has hurt the image of the General Assembly as much as its failure to act with dispatch. For at least 80% of the time under the constitution of 1874, the legislature was able to perform its duties in *biannual* sessions of approximately five months. Now it seems to take 23 months. Admitting that today's problems are more numerous and complex, a comparison of the pamphlet laws of the last decade with those of 20, 30, 40, and 50 years ago, will give some idea of the legislation dealt with when the legislature adjourned in April or May.

The majority report suggests the schedule should be adopted by joint resolution. (I think "concurrent" and not "joint" is what is meant). I would prefer it to be done by an act with a provision that any requirement could be set aside by a two-thirds vote of both Houses. If the schedule is established by resolution, it will be changed so frequently during a session that it will become meaningless. I know, of course, that the recommendation with my suggestion has no chance of adoption except at a time when the same party has the Governorship and a majority in both houses. Even a resolution adopting the schedule recommended

is not likely to be adopted when different political parties control the Senate and the House.

Page 6—Statement—By Mr. Bernard C. Hennessy:

I have asked my fellow Commissioners to be allowed to make the following general statement in lieu of a few specific dissents that I would otherwise enter as footnotes to the text.

In my opinion Pennsylvania, and all the larger American states, should have a *small* (100 to 150 members), *unicameral, full-time, well-staffed* legislature of members who are paid not less than \$25,000 a year.

My colleagues on the Commission—some of who agree on the “ideal” legislature summarily described in the paragraph above—are unwilling to make such a radical recommendation in this Report. Their arguments deserve some comment.

1. It is said that “public opinion” is not ready for a fulltime, well-paid, unicameral legislature in Pennsylvania. My reply is that they too easily dismiss their own capacity to inform and educate “public opinion.” One of the roles of any Commission such as ours is to be “By Appointment, Idealists to the Public.” I regret we have not been willing fully to play that role.
2. It is said that a unicameral body would not provide the “checks and balances” necessary for an effective and responsive legislature. An adequate reply to this objection would be too long to be imposed on the reader here, but the cardinal points are: (a) that, not being a federal form of government, a state does not have the peculiar need for bicameralism inherent in our American national government, and (b) that a full-time, well-staffed, one-house legislature could be unquestionably more responsive to the manifold interests and needs of the Commonwealth, and more responsible in its lawmaking craftsmanship, than a part-time- ill-equipped bicameral body.

The argument that a second house is necessary to correct the first is only tenable if one thinks the first is likely to do a bad job. I cannot accept that argument.

3. It is said that to expect legislators to be full-time public servants would have several unhappy consequences—among them (a) that able men and women who are now highly paid in private life would not serve, but (b) that, on the contrary, political “hacks” would flood the chamber in Harrisburg, and (c) that, all in all, abuse by legislators would be concentrated and costly instead of diffused and petty.

The trouble with these arguments is that they fail to see that making the legislators job desirable, visible, and prestigious would almost certainly alone prevent these supposed evils. The public, and their watchdog agents such as the press and civic interest groups, cannot now oversee the scattered, episodic, and often insignificant activities of 253 part-time legislators. A full-time legislature of 100, centrally and continuously involved in the public life of a great state, with generous and expert staff assistance, would attract to it the most talented of our men and women. Such a legislature, in my opinion, would constitute the most vigorous and dynamic counterpart to executive power.

It follows from these general propositions that I have serious reservations about our recommendation 46 to require scheduling by the legislature. I would also suggest for legislative consideration a more specific plan for rationalizing, managing, and coordinating the present hodge-podge of legislative service and staff agencies.

Finally, and despite the dissent-like flavor of these comments, I support the broad outlines and the more detailed recommendations of this Report. I respect the thoughtful reluctance of the Commission as a whole to adopt the more far-reaching changes I suggest in this statement. The recommendations we make in this Report, as it stands, will improve enormously a Legislature that is already one of the best among American states.

Page 10—By Mr. Gustave G. Amsterdam:

Recommendation 7: I dissent from that portion of the Commission's recommendation that the salary and compensation commission be composed of persons appointed by others than members of the legislature and that such commission review and submit recommendations regarding Judicial and Executive branch salaries and reimbursable expense allowances in addition to like legislative salaries and allowances. The Commission made no study and received no testimony which indicated the need for these specified reviews and recommendations, which obviously are outside the purview of the Commission's mandate. In my view *all* fields of competitive endeavor must be *considered* in determining proper legislative compensation and no special merit results from limiting the investigation to the judicial and legislative branches of our state government.

Page 10—By Mr. Robert E. Woodside:

Recommendation 7: I favor, except the suggested commission should not consider salaries "at the beginning of each gubernatorial term" when legislative salaries are constitutionally frozen for two years and most executive salaries for four years, but during the last year of the Governor's term when most changes can be made effective the following year.

Page 11—By Mr. Gustave G. Amsterdam:

Recommendation 9: If as I recall, the Commission decided that the "House and Senate board" is to be made up of equal numbers of members of the Majority party and the Minority party, then I have no dissent . . . otherwise I do dissent on the ground that "ethics" is not a matter of party interest, loyalty or discipline and every effort must be made to avoid even the semblance of partisan bias in any ethical decision.

Page 13—By Mr. James A. Michener: For me the question of the size of the legislature posed a painful dilemma which was never resolved. On the one hand I refused to lead any debate in the Commission because only five months earlier, in the Constitutional Convention, I had led such debate and had been defeated by substantial margins on every vote; to have come back so soon in a different forum and with different tactics seemed to me unsportsmanlike and questionable. On the other hand I am convinced without even the slightest doubt that the Pennsylvania legislature is ridiculously large; it impedes function; it is cumbersome and inefficient; it wastes space and salary; it ought to be cut immediately to 40 Senators and 120 House members.

Page 13—By Mr. Arthur Harris, with which Mr. Bernard C. Hennessy has asked to be associated: I disagree with the majority on the size of the Legislature's membership, on legislative salaries, and on providing staff assistance for Legislators. I prefer a membership reduction to 40 Senators and 120 Representatives, but would have supported any reduction in the size of the House. I have summarized my recommendations on these issues in the following dissent.

I feel very strongly that reduction in the size of the membership of the General Assembly is a major ingredient of modernization. I am supported in this by the many published reports on improving state Legislatures. They agree that a pivotal issue in most states is reduction of the number of Legislators. All other very important changes that must be made will come more readily with the size of the Legislature reduced.

Increased salaries would be much more publicly acceptable with the increased stature of Representatives made more visible by their greater constituencies. It makes sense for a smaller number of Legislators to have staff assistance to help conduct some of the daily administrative matters connected with the Legislators' job, allowing him to devote greater time to his total job as Representative, lawmaker, and overseer of the Administration.

These improvements would serve as a foundation to make more practicable all the other important recommendations of the Commission. It seems to me that a Legislature of fewer numbers would make more likely the implementation of the recommendation to establish fewer, working-sized, committees with adequate staff. Certainly, Committees with 35-40 members are unmanageably large.

It was my proposal, during the Commission's deliberations, that the Legislature reduce its size gradually over the next several terms, rather than abruptly, to facilitate solution of political problems that will arise from the substantial changes recommended. I recommend progressive salary increases to a minimum of \$18,000 a year to coincide with membership reductions as they occur.

The majority commissioners express their "fear of diminishing the representative nature of our General Assembly," by reducing the number of Legislators. I consider representativeness a matter of prime importance in modernizing Pennsylvania's Legislature, but do not share their fear. For the root concern of representativeness is equality, and numbers have no ability, by themselves, to guarantee equal representation. Currently with the number of Legislators at 253, the unwieldy size alone is enough to inhibit the efficient movement of legislation and the effective participation by every member. Many members of large Legislatures feel this to be a very serious problem. If, as I believe, representativeness really depends on the capacity of the system to permit the individual legislator to function, then it depends on his having adequate tools, facilities, and assistants more than on how few people he serves.

The majority argues against my proposal for increasing salaries substantially while reducing the number of legislators, on the grounds that the legislative job is, and should be a part time job. Regardless of whether the job should be full or part time, I feel that no man or woman should be deterred from seeking a full career in politics because it offers unworthy compensation. Members of the Legislature should not be so poorly paid as to have real need for outside sources of income. More importantly, Legislators should be sufficiently compensated

that the best among them will want to remain in public life, and the jobs will not be unattractive to good people in private life. Pennsylvania has been fortunate to have so many Legislators of high calibre. This recommendation is important to help maintain that advantage.

The Commission, as a whole, did not take this question lightly, but gave it great thought and consideration. I disagree with the majority conclusion.

Some among the majority also argues that the matter of size was settled as a "public issue", at least for a while, when the recent Constitutional Convention fixed it at 203 Representatives and 50 Senators. But the importance of the matter was not reduced by the Convention's activity. Not reduced even temporarily in my opinion. The Pennsylvania Assembly on the State Legislature in American Politics offered ample proof of that when its participants agreed that the size of the State's House of Representatives should be reduced substantially. A group of Pennsylvania educators, businessmen, civic leaders, and state legislators gathered under the auspices of this organization and came to that conclusion during meetings held May 8 and 9, 1968, about three weeks after the new Constitution had been confirmed by the Electorate.

In my opinion, the foregoing are compelling reasons for the Legislature to act early in the 1969 Session to amend Article 2, Section 16 of the State Constitution to permit the size of the Legislature to be reduced, beginning in 1972, by the reapportionment mechanism created in the new Article 2, Section 17 of the Constitution.

Page 15—By Mr. Robert E. Woodside:

Recommendation 13 relating to additional salaries for committee chairmen should not be adopted at this time. In reducing the number of committees, the leadership will have enough trouble refusing the numerous demands for committee chairmanships. No capable person will refuse a chairmanship because it does not increase his salary by \$2,000, so the Commonwealth gets nothing for this expenditure.

Page 21—By Mr. Gustave G. Amsterdam:

Recommendation 18. I dissent from the failure of the Commission to include in this recommendation a provision that the Joint Administrative Management Committee shall be made up of equal numbers of members of the Majority party and the Minority party. In my opinion this Committee serves its purposes best by serving majority and minority members equally, without distinction or political bias or favor and that in such service functions a Committee serves best if it is not inhibited by party interest, loyalty or discipline and is not within the "control" of the party in power.

Page 30—By Mr. Robert E. Woodside:

Recommendation 27 is, in my opinion, impractical and useless.

Recommendation 28 I oppose for four reasons: (1) A synopsis is *one person's idea* of the important provisions of a bill; (2) an *accurate* statement of what is in a bill will usually be as long as the bill itself. Thus, a synopsis is seldom accurate. (3) Giving synopses to legislators will discourage the reading of bills by them. (4) The talent to make the synopses would be difficult to find or train in sufficient number. There are approximately 6,000 bills prepared by the Legislative Reference Bureau for each session, only about half of which are introduced. The time-consuming effort necessary to prepare a synopsis for each of

them would reduce the time available for the far more important task of drafting bills.

Page 32—By Mr. William G. Willis:

I should like to be recorded as dissenting from the recommendations, numbered as follows:

Recommendation 39 I am opposed to open committee meetings as contemplated by this recommendation.

Recommendation 42 I do not think it advantageous to require the individual votes of members to be made public. In fact, I think it an invitation to irresponsibility.

Recommendation 43 I think it a blessing that bills can die in committee. Those with real merit or of a genuine substantive issue can be brought out of committee and to the floor through the application of Recommendation Nos. 40 and 41, and as a result of the totality of the “beefed-up” staff situation, the fiscal note and summary ideas, etc. I don’t think the time-honored reluctance to adopt a discharge resolution will now be as strong.

Page 32—By Robert E. Woodside:

Recommendations 39, 42 and 43 I oppose. Few speeches are made in the General Assembly for the purpose of persuading, influencing or enlightening its members. They are made to influence constituents back home.

Recommendation 39 will extend this practice to committee deliberations, and result in useless, time-consuming talk.

A primary purpose of our report is to increase the efficiency of legislating. Adopting recommendations 39 and 43 would result in a more cumbersome and inefficient operation. They are made, I think, on the assumption that bills are approved or disapproved in committees. They are not. No matter what a committee does with a bill, the House (used here to mean either legislative body), never loses control of it, having the power to take the bill from the committee at any time. A committee cannot “vote down” or defeat a bill. Its choice of action is to report a bill either in its original form or as amended, refer it to a subcommittee, lay it on the table, or postpone action on it. These motions are merely subsidiary motions—actually because they are not actions of the House itself they might be called, “sub-subsidiary” motions. Recording votes on such motions are more likely to confuse than enlighten. They often bear no relation to whether the committee members are for or against the bill.

If the votes of committee members were to be recorded as suggested in Recommendation 42, roll calls would be required in all cases, increasing the time taken to act upon many bills which no member of the committee may wish to have acted upon at all. (Many bills are either duplicates or alternate approaches to the solution of a single problem.) The time consumed, the records required, and the confusion and misunderstanding over the meaning of the votes far outweigh any disadvantage which might result from abandoning the present practice. Our Commission did not make known the individual votes on our recommendations. If we did not consider it necessary to keep and make public our final votes, we should not ask legislators to keep and make public their votes on motions made in committees.

Any good that could come out of Recommendation 43 is accomplished by 40.

Report of the Committee of Conference on House Resolution No. 207

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Resolution No. 207, entitled:

respectfully submit the following bill as our report:

STANLEY G. STROUP

CLARENCE D. BELL

WILLIAM J. LANE

(Committee on the part of the Senate.)

LEE A. DONALDSON

ROBERT J. BUTERA

K. LEROY IRVIS

(Committee on the part of the House of Representatives.)

It is the policy of the General Assembly of the Commonwealth of Pennsylvania to strengthen the legislative branch of State government so that it can maintain its position of co-equality as an independent, self-sufficient branch of government under the principle of the separation of governmental powers.

Legislative self government in colonial times was the laboratory within which was developed our Nation's Federal system. The maintenance and proper development of the legislative process is essential if self government is to remain a reality. Any neglect of the legislative branch and erosion of its historic powers will result in eventual dissolution of this branch and replaces democracy with bureaucracy.

In addition to maintaining the principle of separation of powers, there is a continuing and urgent need for a legislative branch capable of responding to needs of Pennsylvania for social, economic, and political progress.

The General Assembly of Pennsylvania must now and in the future will be called upon to deal with many complex issues involving a wide variety of difficult problems. Present and future needs require objective planning for necessary legislative action. Such action requires advice and guidance of the best abilities of the citizens of Pennsylvania; therefore be it

1 RESOLVED (The Senate concurring), That the General Assembly of
2 Pennsylvania hereby creates the Pennsylvania Commission for Legislative
3 Modernization; and be it further

4 RESOLVED, That:

5 1. The commission shall consist of twelve members, who shall be cit-
6 izens of the Commonwealth, and who shall be named in equal numbers
7 by the Speaker of the House, the Minority Leader of the House, the
1 President Pro Tempore of the Senate, and the Minority Leader of the
2 Senate. Such appointments shall be made within fifteen days of the effec-
3 tive date of this resolution.

4 2. The commission shall organize as soon as possible by selecting from
5 its membership a chairman and such other officers as it considers neces-
6 sary; and shall provide rules for transacting business and keeping records.
7 A majority of the commission members shall constitute a quorum.
8 Members of the commission shall serve without compensation except
9 that they shall be reimbursed for necessary expenses incurred in the per-
10 formance of their duties.

11 3. The commission shall:

12 (a) Make such studies and evaluation of the General Assembly as it
13 deems necessary.

14 (b) Study existing use of manpower, equipment, facilities, and ap-
15 propriations in the organization structure and operation of the General
16 Assembly and make recommendations for more efficient use thereof.

17 (c) Study the organization and operation of legislative service agencies
18 and recommend such changes as will increase the efficiency of such

19 agencies.

20 (d) Adopt, by no later than December 1, 1968, a written report cover-
21 ing its studies, and setting forth its recommendations; publish such report
22 and distribute it to each member of the General Assembly.

23 4. The commission may establish such subcommittees as it deems de-
24 sirable to study and report to the commission with respect to particular
25 fields. Such subcommittees need not be composed entirely of commission
26 members.

27 5. The commission may employ and fix the compensation of such
28 employes as it considers necessary.

29 6. The commission may accept any offer of services, equipment, sup-
1 plies, materials, or funds by gift or grant made for the purpose of assist-
2 ing the commission in carrying out its function.

3 7. The commission may utilize the services, facilities and personnel
4 of all agencies of the Commonwealth, including those of the State col-
5 leges and State-aided universities.

APPENDIX B

Persons appearing before the Commission or its subcommittees:

Paul R. Beers—*Harrisburg Evening News*

Martin Brackbill—*Research Director—House Appropriations Committee, Majority*

Raymond J. Broderick—*Lieutenant Governor*

Alvin C. Bush—*Majority Caucus Secretary—House of Representatives*

Robert Butera—*Majority Whip—House of Representatives*

William Deibler—*Pittsburgh Post Gazette*

G. Richard Dew—*Pennsylvania Newspaper Publishers Association*

Lee A. Donaldson—*Majority Leader—House of Representatives*

Robert D. Fleming—*Senate President pro tempore*

Eugene Fulmer—*Member—House of Representatives*

Donald R. Gillis—*Pennsylvania State Chamber of Commerce*

Mrs. Ann Gropp—*Pennsylvania League of Women Voters*

Mark Gruell, Jr.—*Secretary of the Senate*

Michael Johnson—*Pennsylvania AFL-CIO*

Joseph Kelley, Jr.—*Secretary of the Commonwealth*

Kenneth B. Lee—*Speaker—House of Representatives*

Robert Maurer—*Pennsylvania Association of Broadcasters*

S. Edward Moore—*Parliamentarian—House of Representatives*

John C. Pittenger—*Director of Research for the Minority Leader—House of Representatives*

John Scotzin—*Harrisburg Patriot News*

Stanley Stroup—*Senate Majority Leader*

Harold A. Thomson—*Pennsylvania Association of Township Supervisors*

Ralph Tive—*Counsel to Senate Minority Leader*

Donald Wackerle—*EBS Management Consultants, New York*

Russell Welsh—*Director—Bureau of Elections and Legislation—Department of State*

William Woodside—*Counsel to Majority Leader—Senate of Pennsylvania*

APPENDIX C

The Pennsylvania Commission for Legislative Modernization LEGISLATORS' QUESTIONNAIRE

SUGGESTION

Legislative Organization

(Study areas include membership, officers, committees, caucuses, meetings or sessions, parliamentary procedures, relationships with executive branch.)

Tabulation of Responses
Very Desirable, Desirable
No Improvement, Undesirable

1. Reduce number of standing committees—	House—23,18/19,6 Senate—5,6/5,3 Undetermined—12,8/3,3 Total—40,32/27,12
2. Provide adequate staff to all standing committees—	House—52,15/0,0 Senate—15,3/0,1 Undetermined—18,8/0,0 Total—85,26/0,1
3. Have same committee titles in both houses—	House—30,27/9,1 Senate—8,5/7,0 Undetermined—13,9/4,0 Total—51,41/20,1
4. Have committee meetings open to public—	House—4,4/8,49 Senate—1,2/3,13 Undetermined—0,4/1,21 Total—5,10/12,83
5. Have public record of committee actions and votes—	House—5,16/4,40 Senate—1,3/0,16 Undetermined—1,5/1,19 Total—7,24/5,75
6. Set definite timetable for legislative activities. (e.g. days of meeting, recesses, deadlines for bill introduction, committee reports—	House—29,24/6,6 Senate—10,6/1,3 Undetermined—11,9/3,3 Total—50,39/10,12
7. Combine legislative business functions under joint committee on administration (e.g. staff, equipment, space, expenditure of funds—	House—11,38/8,8 Senate—1,10/3,4 Undetermined—4,9/5,4 Total—16,57/16,16
8. Give more and regular review of carrying out of programs by executive agencies—	House—30,31/3,0 Senate—9,7/0,2 Undetermined—9,14/1,1 Total—48,52/4,3

Legislative Services

(Study areas include research and information, bill preparation, public relations, fiscal analysis, printing and publications, financial management, space and equipment, personnel policies.)

Tabulation of Responses
Very Desirable, Desirable
No Improvement, Undesirable

9. Provide prompt research and information at request of individual members—	House—49,18/0,0 Senate—12,6/0,2 Undetermined—19,7/0,0 Total—80,31/0,2
10. Prepare and distribute synopsis of substance of each bill introduced—	House—36,28/3,0 Senate—10,6/0,4 Undetermined—17,4/2,2 Total—63,38/5,6
11. Establish a joint public information office to prepare and disseminate information on legislative activities—	House—18,40/8,0 Senate—4,9/0,6 Undetermined—9,10/1,5 Total—31,59/9,11
12. Consolidate existing legislative service agencies—	House—18,36/9,3 Senate—7,7/0,4 Undetermined—8,10/4,4 Total—33,53/13,11

Legislative Process

(Study areas include bill introduction procedures, bill action procedures, committee policies and procedures, caucuses, recording and reporting procedures, controls over legislative process.)

Tabulation of Responses
Very Desirable, Desirable
No Improvement, Undesirable

13. Greater use of public hearings on major bills—	House—27,27/12,1 Senate—6,8/3,2 Undetermined—11,9/5,0 Total—44,44/20,3
14. Require committees to act on all bills submitted to them within a specified time and report their actions—	House—10,26/10,21 Senate—5,1/2,12 Undetermined—7,5/3,11 Total—22,32/15,44
15. Establish screening committee to reduce duplications of bills (e.g. adding sponsoring names to similar bills in either house)—	House—28,26/9,3 Senate—8,7/1,4 Undetermined—13,11/0,2 Total—49,44/10,9

Legislative Membership

(Study areas include qualifications and selection, terms of office, training, compensation and benefits, constituent relations, ethical conduct.)

Tabulation of Responses
Very Desirable, Desirable
No Improvement, Undesirable

16. Conduct an intensive orientation session to brief new members on legislative procedures and current issues—	House—34,32/0,1 Senate—11,7/0,1 Undetermined—15,11/0,0 Total—60,50/0,2
17. Increase legislators' salaries—	House—29,24/3,2 Senate—13,2/2,2 Undetermined—18,4/0,1 Total—60,30/5,5
18. Increase legislators' expense allowance to finance offices in the district and staff—	House—36,20/7,1 Senate—10,4/0,6 Undetermined—21,5/0,0 Total—67,29/7,7
19. Require reporting by registered lobbyists of their lobbying expenditures—	House—21,26/15,3 Senate—5,6/6,3 Undetermined—10,7/6,3 Total—36,39/27,9
20. Require legislators to report financial interests in business enterprises subject to common-wealth regulation—	House—26,26/8,7 Senate—6,6/5,1 Undetermined—8,9/3,5 Total—40,41/16,13

APPENDIX D

THE GENERAL ASSEMBLY

The Commission in its work has had available four studies of the legislature, two prepared prior to the creation of the Commission and two undertaken at the Commission's request.

The studies:

A History of the Pennsylvania General Assembly, prepared for the Commission by Dr. John H. Ferguson, Better Government Associates, Inc., Harrisburg.

Legislators in Nine States, prepared for the Commission by Dr. Edward Keynes, Department of Political Science, Pennsylvania State University, with the assistance of Joseph Coviello and Edward Stopyra.

The Pennsylvania General Assembly: Politics and Prospects, prepared for the Pennsylvania Assembly on the State Legislatures in American Politics, by Dr. Kenneth T. Palmer, Department of Government, Franklin and Marshall College. The conference, in May, 1968, was sponsored by the American Assembly and the University of Pittsburgh.

Report for the Commonwealth of Pennsylvania: Functional Requirements and Relationships Survey for the General Assembly and the Governor's Office and Certain other Executive Functions, prepared for the Commonwealth of Pennsylvania by EBS Management Consultants, Inc., New York, October, 1965.

These reports furnish an exceptionally complete picture of the Pennsylvania General Assembly, its history, personnel, characteristics and physical setting. The Commission has found them most helpful in its deliberations and reprints them, in whole or in part, with this report. It should be noted that the Commission is not necessarily endorsing the language or the findings of these studies, but believes because of their careful preparation, deserve a wider audience than they might otherwise receive.

1. HISTORY

John H. Ferguson

COLONIAL PATTERNS

Throughout the Colonial Period Pennsylvania's government consisted of the proprietor and his heirs, a governor who was either the proprietor himself or his deputy, a council, a one-house general assembly, courts of law, and local governments established by statutory enactments.

Governor and Council. Under the first three of Penn's frames the governor shared powers with an executive council; the executive was, therefore, plural rather than singular in form. This relationship is illustrated by provisions of Penn's first frame.

The "governor and council" were authorized to prepare and propose all legislative bills. The "governor and council" were to "take care, that all laws, statutes and ordinances, which shall at any time be made within the said province, be duly and diligently executed." The "governor and council" were to perform such assignments as determining the location of cities, ports, roads, and highways. The "governor and council" were to inspect the management

of the public treasury and initiate action against those who converted funds to personal use. The "governor and council" were given authority to "erect and order all public schools, and encourage and reward the authors of useful sciences and laudable inventions in the province."

How dependent upon the council the governor was is suggested by a change made in 1683 which stated that the governor or his deputy "shall at no time . . . perform any public act of state whatsoever, that shall or may relate to the justice, trade, treasury or safety of the province and territories . . ., but by and with the advice and consent of the provincial council. . . ."

At first seventy-two councilmen were to be chosen by the voters. The frame of 1683 reduced the number to three for each county and the frame of 1696 lowered the number still further to two from each county. As the number of people and counties grew the council was to propose, and the assembly resolve, apportionment ratios and district boundaries.

Terms were for three years with one-third of the membership changing annually. After serving for one term, re-election was prohibited until at least one year had intervened. The council was a continuing body. The governor or his deputy presided and had "treble voice," or three votes. Compensation was expressly authorized by charter revision in 1696 for days spent in session and for miles traveled to and from the provincial capital. Payment was to be made by the counties of residence and from funds received from their own levies. Four committees were authorized: plantations; justice and safety; trade and treasury; and manners, education, and arts. A "standing council," made up of the representatives of the several committees, had authority to meet and take action on matters of "lesser moment."

The frame of 1701 omitted detailed provisions for an executive council. Thereafter it was appointed by the governor and varied in number between eight and twelve. Its authority was advisory only.

The Legislature. Pennsylvania's legislature owes its initial authorization to the charter granted to William Penn in 1681. While making Penn and his legal heirs "true and absolute proprietaries," the charter required that for law-making the proprietor obtain the "advice, assent and approbation of the freemen. . . ., or the greater part of them, or their delegates or deputies, . . . when and as often as the need shall require. . . ." Laws were to be "consonant to reason, and be not repugnant or contrary, but (as near as conveniently may be) agreeable to the laws, statutes and rights of this our Kingdom of England. . . ." After their enactment, laws were to be sent, within a period of five years, to the privy council for security and possible veto.

While mandating that laws be approved by the freemen, the charter did not specify how this was to be done. It merely stipulated that laws be approved by the freemen, or the greater part of them, or their delegates or deputies. Moreover, the charter did not mandate regular legislative sessions. Rather, the proprietor or his heirs were to obtain legislative advice, assent, and approbation "when and as often as the need shall require."

All of Penn's frames of government provided for a general assembly con-

sisting of freemen “of most note for virtue, wisdom and ability” and chosen by the voters for one-year terms. The frame of 1682 stated that all freemen might constitute the general assembly for the first year but thereafter they were to choose not less than 200; provided, however, that as population grew the total number might not exceed 500. Reapportionment and election-district boundaries were to be proposed by council and resolved by the general assembly. The frame of 1683 allotted six assemblymen to each county; the frame of 1701 reduced the number to four “or of a greater number at any time, as the Governor and Assembly shall agree.” The only mention of compensation is found in the frame of 1696 which fixed allowances for both wages and travelling expenses.

Penn’s frame of 1682 structured legislative sessions somewhat. During the first eight days members were to “freely confer with one another” and also with a special twelve-man committee of the council. On the ninth day bills were to be read in full and acted upon, two-thirds of the membership constituting a quorum. Nothing was said about an executive veto. This was understandable because all bills originated with the governor and council. If differences arose between the executive and legislative branches, as they did repeatedly, they were either settled by negotiation or rejected by the assembly.

The assembly could remain in session longer than nine days to impeach criminals, pass bills, and until dismissed by the governor. After being dismissed, special sessions could be called, at first by the council, and later by the governor and council. Similar provisions were not expressly included in the frame of 1701.

A few specific legislative powers are referred to in the early frames of government but not until 1701 was there a detailed enumeration. Even then no exhaustive list was provided. The frame of that year mentions only the following:

- Choose a speaker and other legislative officers
- Judge the qualifications and elections of members
- Sit upon adjournments
- Appoint committees
- Prepare bills “in order to pass into laws”
- Impeach criminals and redress grievances

To these were added “all other powers and privileges of an Assembly, according to the rights of the free-born subjects of England, and as is usual in any of the King’s plantations in America.”

THE CONSTITUTION OF 1776

The Constitution of 1776 reflected the revolutionary atmosphere and ideology of the period. Most significant was the shift in basic assumptions; namely, that Britain’s sovereignty had ended, that the former proprietaries had lost all authority to govern, and that all power was derived from the people.

Under the new constitution, Pennsylvania government consisted of a twelve-member Council, headed by a President and Vice-President, a one-house legislature, courts of justice, and local governments established by statutes.

The Executive. As before 1701, the executive was plural in character. "The supreme executive power," said the constitution, "shall be vested in a President and Council." The President and Vice-President were chosen annually by the "joint ballot" of the General Assembly and Council. Members of Council were elected by the voters for three-year terms, one third changing every year. Each county and city was entitled to one councillor. As new counties were created, the number of councillors was expected to rise correspondingly. No maximum number was stated, as it had been in Penn's frame of 1683. Members of the General Assembly and of Congress were ineligible for membership in the Council. The Councillors could not succeed themselves in office but might be re-elected after an interim of four years. The Council was not a continuing body but met annually "at the same time and place with the general assembly." Compensation for the President, Vice-President, and councillors was neither expressly mentioned or prohibited.

The Legislature. The one-house legislature was continued. It was referred to as the "House of Representatives" and also the "General Assembly." Members were to be freemen most noted for "wisdom and virtue" instead of, as formerly, for "virtue, wisdom and ability." Representatives were elected annually, as before. Members could not serve for "more than four years in seven." Compensation was authorized but specific amounts were not stated. Annual sessions were indicated and no provision was made for calling special sessions. Counties and cities were designated electoral districts, each having six representatives for the first two-year period, after which seats were to be allocated every seven years proportionate to the number of taxable inhabitants. No maximum number of legislators was stated. A two-year residence in the district represented was specifically required for the first time.

The House of Representatives was granted "The supreme legislative power." More specifically, it was authorized to:

Choose its speaker, "treasurer of the state, and their other officers"

Sit on its own adjournment

Prepare bills and enact them into law

Judge of the elections and qualifications of its members

Expel a member, "but not a second time for the same cause"

Administer oaths or affirmations on examination of witnesses

Redress grievances

Impeach state criminals

Grant charters of incorporation

Constitute towns, boroughs, cities and counties

To these was added "all other powers necessary for the legislature of a free state or commonwealth: But they shall have no power to add to, alter, abolish, or infringe any part of this constitution." Added also was authority to choose delegates to Congress for terms of one year.

Constitutional Amendment. The most novel feature of the Constitution of 1776 was provision for a Council of Censors, composed of one member for each city and county and elected by the voters therein every seventh year. The

Council was given one year from the time of its election to complete its work. In general, its duties were to inquire whether the Constitution had been “preserved inviolate,” whether the executive and legislature had performed their duties and stayed within prescribed limits, whether taxes had been “justly laid and collected,” in what manner public monies had been disposed of, and whether the laws had been duly executed. The Council was also given power to call a convention to amend or clarify the constitution. If called, the convention was not required to submit revisions to the voters for acceptance or rejection.

THE CONSTITUTION OF 1790

Those who wrote and adopted the Constitution of 1790 were influenced strongly by the recently approved Constitution of the United States. Many features of the older Pennsylvania frames were retained, however. The power to govern was given to an elected governor, bicameral legislature, courts of law, and local governments recognized in the constitution or authorized by statute.

The Legislature. For the first time, the General Assembly became bicameral in form. The “legislative power of this commonwealth,” the constitution declared, was vested in a “general assembly, which shall consist of a senate and house of representatives.” Representatives were to be chosen for one-year terms, Senators for four-year terms, one fourth changing annually. Age, citizenship, and residence requirements were stated for both House and Senate members.

The legislature was authorized to fix the size of the two houses; the House could have between 60 and 100 members, the Senate not less than one-fourth, nor more than one-third, as many as the House. House seats were to be allocated to cities and counties every seven years in proportion to the number of taxable inhabitants. Each existing county was entitled to at least one representative but new counties had no seat until the number of taxable inhabitants reached an established ratio. Senators were to be chosen by districts formed by the legislature on the basis of the number of taxable inhabitants. Districts were to be drawn in such a manner as to entitle each to select not more than four senators. Neither the City of Philadelphia nor any county could be divided when forming districts; if two or more counties were placed in the same district they must be adjoining.

The legislature was to be convened annually on the first Tuesday of December “unless sooner convened by the governor.” The governor also could call special sessions and adjourn the legislature in the event the two houses could not agree on a date. Members’ compensation was to be determined by law and paid from the state treasury. For the first time in any of Pennsylvania’s frames, legislators were privileged from arrest while at sessions and in going to and from them, except in cases of treason, felony, and breach or surety of the peace; nor “for any speech or debate in either house they shall not be questioned in any other place.” Legislators could not, during their terms of office be appointed to any civil office under the Commonwealth, which was created, or for which the emoluments were increased.

Legislative powers and procedures remained much the same as before. In addition to the powers specifically enumerated, the General Assembly had "all other powers necessary for a branch of the legislature of a free state." The prerogative of choosing the State Treasurer was continued, only now the election was to be made annually by "the joint vote of the members of both houses." Neither house, without the consent of the other, could adjourn for more than three days, "nor to any other place than that in which the two houses shall be sitting."

To the House was given the prerogative of originating bills for raising revenue, although the Senate could amend them, "as in other bills." No money could be drawn from the treasury but in consequence of appropriations made by law.

The procedure for passing bills, submitting them to the governor for approval, and passage over veto were almost identical with those provided in the national constitution. "Pocket vetoes" were checked by providing that a bill not signed within ten days became law "unless the general assembly, by their adjournment, prevent its return; in which case it shall be law, unless sent back within three days after their next meeting."

Constitutional Amendment. The Council of Censors was discontinued and never again authorized. No provision was made for changing the constitution by amendment or convention.

THE CONSTITUTION OF 1838

The Constitution of 1838 made no fundamental changes in either governmental organization and structure or the allocation of powers.

The Legislature. A bicameral legislature was continued. No changes were made in members' terms or apportionment. Amendments adopted in 1857 did alter these provisions, however. House terms were then continued for one-year but terms for Senators were reduced to three years, one-third changing annually. Representatives were to be apportioned by dividing the number of taxable inhabitants by the number of one hundred, with the provision that counties containing at least three-thousand-five hundred taxables might be allowed a separate representation. Not more than three counties could be joined, and no county could be divided in forming a district. Cities entitled to at least two representatives were entitled to separate representation "and shall be divided into convenient districts of contiguous territory, of equal taxable population as near as may be, each of which districts shall elect one representative."

Another amendment adopted in 1857 reduced citizenship and resident requirements for Senators. Still another amendment of 1857 mandated reapportionment for Philadelphia and the use of "single senatorial districts of contiguous territory, as nearly equal in taxable population as possible; but no ward shall be divided in the formation thereof."

Specific limits on legislative powers made their appearance in growing numbers. The General Assembly was forbidden "to enact laws annulling the con-

tract of marriage in any case where, by law, the courts of this commonwealth are, or hereafter may be empowered to decree a divorce." Constraints were placed on the passage of laws providing for corporate charters. The legislature was forbidden to invest any corporate body or individual with the privilege of taking private property for public use "without requiring such corporation or individual to make compensation to the owner of said property, or give adequate security therefore, before such property shall be taken." Debt and sinking fund requirements and restrictions were added in 1857. In the same year the legislature was forbidden to divide a county "by a line cutting off one-tenth of its population (either to form a new county or otherwise) without the express assent of such county, by a vote of the electors thereof, nor shall any new county be established containing less than four hundred square miles." An amendment of 1864 provided that "No bill shall be passed by the legislature containing more than one subject, which shall be expressed in the title, except appropriation bills."

Constitutional Amendment. As noted above, the Council of Censors authorized in 1776 was omitted when the constitution was next revised and nothing was said about changing the fundamental law. The Constitution of 1838 corrected this omission by adding a provision which has been modified but slightly since. It provided for passage of proposed amendments by a majority in two successive legislatures and subsequent approval by a majority of the electors "voting thereon." No amendment could be resubmitted for popular vote oftener than once in five years. If more than one amendment were submitted at the same time they were to appear "in such manner and form that the people may vote for or against each amendment separately and distinctly." Nothing was said about proposing changes by means of a constitutional convention.

THE CONSTITUTION OF 1873

In 1873 the Constitution was greatly modified and lengthened by the addition of detailed provisions aimed principally at limiting the Governor's prerogatives and tenure, restricting legislative discretion, and stopping abuses on the part of public officials. Since adoption, numerous amendments have been made, particularly in 1967 and 1968.

The Legislature. The bicameral legislature was continued. House members were to be, for the first time in Pennsylvania's history, chosen for terms of two years rather than one. Senators' terms were restored from three years to four (as first provided in 1790), with one half of its members standing for reelection every two years.

The reapportionment of legislative seats was mandated "immediately" after each United States decennial census. The ratio for House members was to be determined by dividing population by two hundred but each county was to have one representative and no district could have more than four. The ratio for Senators was to be determined by dividing population by the number fifty and no city or county might have representation in excess of one-sixth of the whole number of Senators. Districts were to be "compact and contiguous" with populations roughly proportionate to population.

Legislative sessions were to be held in January of odd-numbered years "and at other times when convened by the Governor." Special sessions of either

both houses or of the Senate alone might be called by the Governor on "extraordinary occasions."

Legislative procedures were changed significantly, as illustrated by the following: No law could be passed "except by bill, and no bill shall be so altered or amended, on its passage through either House, as to change its original purpose." Every bill was to be "read at length on three different days in each house." No bill could be considered "unless referred to a committee, returned therefrom, and printed for the use of its members." The adoption of a conference committee report required the approval of a majority of the members elected to each house. No law could be revived, amended, or the provisions thereof extended or conferred by reference to its title only. The presiding officers of each house were required to sign all bills and joint resolutions passed by the General Assembly in the presence of the house over which each presided. During special sessions no legislation was permitted "upon subjects other than those designated in the proclamation of the Governor calling such session."

Numerous additional constraints were placed on official conduct and legislative powers, of which the following are examples: Legislators were forbidden to "solicit, demand or receive, or consent to receive," bribes "directly or indirectly, for himself or for another." Attempting to bribe government officials was proscribed. "Corrupt solicitation" was forbidden. Legislators were to receive "such salary and mileage for regular and special sessions as shall be fixed by law, and no other compensation whatever, whether for service upon committee or otherwise. No member of either House shall during the term for which he may have been elected, receive any increase of salary, or mileage, under any law passed during such term."

No appropriations could be made, except for pensions or gratuities for military services, for charitable, educational or benevolent purposes, to any person or community, nor to any denomination or sectarian institution, corporation or association. The diversion of money raised for the support of public schools "for the support of any sectarian school" was forbidden. A two-thirds vote of both houses of the legislature was required for the making of appropriations to charitable or educational institutions "not under the absolute control of the Commonwealth," except "normal schools established by law for the professional training of teachers for the public schools of the state." The payment was forbidden of extra compensation to "any public officer, servant, employee, agent or contractor, after services shall have been rendered or contract made." Payment was also forbidden of any claim against the Commonwealth without previous authority of law. Purchasing through competitive bidding was mandated. Numerous provisions were added pertaining to elections, local government, taxation, indebtedness, and private corporations.

Some of the most pertinent changes made since 1873 were as follows:

Annual sessions of the General Assembly were approved by the voters in 1957, but sessions held in even-numbered years were limited to the consideration of laws raising revenues and making appropriations. An amendment of 1967 discontinued the latter limitation and made the legislature a continuing body "during the terms for which its representatives are elected." The same amendment also provided, for the first time, that the legislature might prompt the calling of special sessions. The provision reads: "Special sessions shall be

called by the Governor on petition of a majority of the members elected to each house or may be called by the Governor whenever in his opinion the public interest requires." Unchanged, however, was the provision that a special session was limited to the consideration of only subjects designated in the Governor's proclamation calling the session.

An amendment of 1968 specified 50 senatorial and 203 representative single-member districts and mandated reapportionment after every decennial census. Responsibility for reapportioning seats was taken from the full legislature and given to a five-member commission to be constituted after every census. The commission is to consist of the Majority and Minority leaders of both houses and a fifth member selected by them. The fifth member is to be chairman and may not hold any public office to which compensation is attached. If the four legislative members fail to select a chairman a majority of the Supreme Court is to do so. Compensation is forfeited by members of the commission if a final plan is not filed within the time prescribed. Appeals from the final plan may be taken directly to the Supreme Court of the Commonwealth.

An amendment of 1968 mandated a balanced budget, a capital budget, and a financial plan for not less than the next succeeding five fiscal years. Auditing was required for "any entity funded or financially aided by the Commonwealth," as well as for all Commonwealth departments, commissions, boards, agencies, instrumentalities, authorities and institutions. The same officer was forbidden to conduct both pre- and post-audits.

Constitutional Amendment In 1873 the amendment article was reworded somewhat but substantively there was little change. Still nothing was said about proposing changes by means of a constitutional convention.

An amendment of 1967 expedites adoptions "In the event a major emergency threatens or is about to threaten the Commonwealth and if the safety or welfare of the Commonwealth requires prompt amendment of this Constitution." Under the circumstances indicated, passage by the General Assembly only once, but by a two-thirds majority, followed by approval by the voters, is permitted.

2. LEGISLATORS IN NINE STATES

Edward Keynes

*"This study represents a long-standing conviction that we can learn more from the careers of political leaders than who they were and where they came from. Man's rise to political power is, after all, one description of the political system. . . . In the United States the profusion of literature on the careers of politicians from state legislator to President testifies to the general belief that knowledge of these careers is important to our understanding of American politics."*¹

Since the end of World War II considerable attention has been given to reform of the U.S. Congress and American state legislatures by both political scientists and journalists. Much of this literature focuses on the need to stream-

¹Joseph A. Schlesinger, *Ambition and Politics* (Chicago: Rand McNally Co., 1966).

line the structure and organization of American legislatures. The relative decline in importance of the legislative branch vis-a-vis the executive is often attributed to inefficient organization and procedures which prevent the legislature from responding to major national and state problems. In response to such criticism numerous legislative reform measures have been proposed, including changes in the size and structure of the committee system, revisions of the formal rules of order and procedure, and elimination of the seniority system for the selection of committee chairmen. Little attention has been given, however, to the selection of legislators and the quality of legislative personnel.

Nevertheless, the quality of our state legislatures and the work they do ultimately depend upon the qualifications of the men and women in the state house. One factor which partially determines who is successful in the competition for state legislative office is the system of nomination and election. If this assumption is correct, then the formal nominating process is important in determining the character of the men who represent us and the laws they make. A further assumption of this paper is that the formal rules which govern the nominating process constitute barriers to selection. These rules systematically advantage some groups in society in the competition for a place in the state house. For example, the closed primary system in Pennsylvania promotes a high degree of party control over the nominating process. Such control favors the selection of candidates who have served the party well in the political vineyards over the years. By contrast, the open primary system of nomination allows other groups, such as the state teachers organization in Washington, to participate in the selection process. Each nominating system offers "differential access" to various groups in the political system.

This study is based upon an analysis of the personal background and political careers of 1,061 legislators in nine states (Pennsylvania, New Hampshire, Illinois, South Carolina, Connecticut, Nebraska, Minnesota, North Dakota, and Washington). The nominating systems in these nine states (the closed primary, the open primary, the nonpartisan primary, and the district convention) are illustrative of the four major nominating processes employed throughout the United States.² These states also represent most regions of the nation and varying degrees of interparty competition.³ Legislators in these nine states are, therefore, probably representative of American state legislators.⁴

²In the closed primary system only registered members of a political party may vote in that party's nominating primary election. There are two types of closed primary: (a) the first type, employed in Pennsylvania, requires advance registration; (b) the second type requires only a simple declaration of party allegiance at the time of the primary. The open primary permits a citizen to vote in the primary of either, but not both parties. In the nonpartisan primary, the party identification of the candidates is not printed on the primary election ballot. The district convention, used only in Connecticut at the present time, permits the selection of state senators and representatives by district conventions composed of party members in each senatorial and house district.

³They range from one-party South Carolina to closely competitive two-party Connecticut.

⁴The data were gathered by means of a mailed questionnaire administered during the Spring and Summer of 1968. The data were then analyzed with the assistance of an IBM 360-67 computer at The Pennsylvania State University. Approximately sixty percent of the legislators in the nine states answered the questionnaire. The author believes that the sample is large enough, though somewhat biased, for the purpose of this report.

The Legislators: Who Are They?

It is sometimes argued that American state legislatures are unrepresentative institutions. In terms of age, sex, religious identification, and level of educational attainment state legislators are markedly different from the general population.⁵ They are, as might be expected, older than the general population. See tables below: There are, however, some interesting age differences

TABLE I: Age Distribution of Legislators

<i>Age</i>	<i>Pennsylvania</i> <i>N=150</i>	<i>8 Other States</i> <i>N=911</i>
20-29 years	2.0%	1.6%
30-39 years	16.0%	18.9%
40-49 years	36.6%	27.8%
50-59 years	26.7%	23.4%
60-69 years	16.7%	17.5%
70 + years	0.7%	10.4%
Not available	1.3%	0.4%
	<u>100.0%</u>	<u>100.0%</u>

TABLE I(a): Age—White Population in 1960

<i>Age</i>	<i>Percent</i>
Under 14 years	28.8
14-24 years	14.8
25-34 years	12.7
35-44 years	13.6
45-54 years	11.7
55-64 years	9.0
65 + years	9.4
	<u>100.0</u>

between Pennsylvania legislators and legislators in the eight other states. A greater percentage of Pennsylvania legislators are under fifty and almost none are over seventy. These age differences are probably explained by variations in party recruitment practices. In several states, especially New Hampshire, the parties use legislative office as an honorific reward to local notables. While Pennsylvania's two political parties use the legislative position to promote party loyalty, they do not employ the position solely as a reward to either retired or semi-retired members of the party. The Pennsylvania legislature is primarily composed of men between thirty and fifty who might reasonably be expected to provide their party and constituency with several years of loyal service in Harrisburg.

State legislators are also better educated than the general population. Although more than sixty-five percent of the state legislators have completed one or more years of college, less than twenty percent of the general population has attained a similar educational level.

See tables II-II(a)

⁵See Tables I-III and V-VII.

TABLE II: Years of Education of Legislators

	<i>Pennsylvania</i>	<i>8 Other States</i>
<i>Years of Education</i>	<i>N=150</i>	<i>N=911</i>
8 years or less	2.0%	3.1%
9-12 years	19.3%	21.8%
13-16 years	30.0%	34.4%
17 years or more	44.0%	33.7%
Not available	4.7%	7.0%
	<u>100.0%</u>	<u>100.0%</u>

TABLE II (a): Years of School Completed—Population 25 Years or Over, 1967

<i>Years of Education</i>	<i>Percent</i>
8 years or less	31.0
High School	
1-3 years	17.8
4 years	31.6
College	
1-3 years	9.5
4 years or more	10.1
	<u>100.0</u>

Here too, there are some interesting differences between Pennsylvania's legislators and legislators in the eight other states. A significantly higher proportion of Pennsylvania's legislators has completed seventeen or more years of school. This difference is accounted for by the higher proportion of lawyer-legislators in Pennsylvania than in the eight other states. See Table below:

TABLE III: Educational Attainment

	<i>Pennsylvania</i>	<i>8 Other States</i>
<i>Degrees Earned</i>	<i>N = 150</i>	<i>N = 911</i>
Elementary School	4.0%	6.6%
High School	27.3%	33.9%
College (B.A., B.S.)	23.3%	22.5%
Masters (M.A., M.S.)	6.7%	6.9%
Law (L.L.B., J.D.)	32.0%	23.2%
M.D., D.D.S.	2.0%	0.9%
Ph.D.	0.7%	1.1%
Other	0.7%	1.1%
Not applicable	—	0.4%
Not available	3.3%	3.4%
	<u>100.0%</u>	<u>100.0%</u>

Thirty-two percent of Pennsylvania's legislators hold law degrees (either the L.L.B. or the J.D.), while only twenty-three percent of the legislators in the other states hold similar degrees.

The lawyer-legislator is a well-known figure in American politics. Throughout American history he has held a preeminent position in the U.S. Congress and the state legislatures. His training and professional experience equip him with many of the skills required to successfully compete for political office. He is a bargainer *par excellence*, knowledgeable about "the law," and trained

for public debate and advocacy. His profession permits a flexible work schedule which is well suited to the part-time occupation of "legislator."⁶ The lawyer is, therefore, highly advantaged among professionals in the competition for legislative office. But, he is particularly advantaged in the race for legislative office in Pennsylvania.

⁶The importance of work-schedule flexibility is further evidenced in the table below:

TABLE IV: Size of Law Firm

<i>Size</i>	<i>Pennsylvania</i> <i>N = 150</i>	<i>8 Other States</i> <i>N = 911</i>
Solo practitioner	7.3%	5.4%
Partnership 2-5	18.6%	12.3%
Firm 6-10	2.0%	1.9%
Firm 11-20	—	0.7%
Firm 21 or more	1.3%	0.5%
Nonpractitioner	0.7%	0.2%
Not Applicable	66.8%	76.3%
Not Available	3.3%	2.7%
	<u>100.0%</u>	<u>100.0%</u>

The largest bloc of lawyers in the nine state legislatures are from small firms (with five or fewer lawyers) and solo practitioners. The large-firm lawyers tend to specialize more and, therefore, cannot be released for long periods at the state capitol. Small firm and solo lawyers tend to be general practitioners whose work schedules are more flexible. Thus, "time" becomes a political resource which advantages small-firm and solo lawyers in the competition for legislative office.

Historically, the lawyer has held a preeminent position in the Pennsylvania legislature. Several studies in the 1930's revealed that between thirty-six and forty-two percent of Pennsylvania's legislators were lawyers. The lawyer attained his preeminent position in the legislature through his central role in the county courthouse which has been a focal point for Pennsylvania political parties, especially in the state's rural areas. The county organizations, so central to the state party organization, have been in a position to reward bright and politically ambitious courthouse lawyers with a place on the ticket. A legislative career in Pennsylvania also supplements a young lawyer's professional income and considerably increases his local visibility. Therefore, a legislative career is an important resource in building a law practice. A mutuality of interest brings the young lawyer and the party together in the race to the state house.

Although the data presented thus far emphasize some of the differences between Pennsylvania's legislators and those in the eight other states, several items point to common features in the recruitment processes of all nine states. These legislatures are overwhelmingly populated by men. See the table below:

TABLE V: Sex Distribution of Legislators

<i>Sex</i>	<i>Pennsylvania</i> <i>N = 150</i>	<i>8 Other States</i> <i>N = 911</i>
Male	95.4%	91.0%
Female	3.3%	8.6%
Not Available	1.3%	0.4%
	<u>100.0%</u>	<u>100.0%</u>

The small number of women in state legislatures reflects the more general American bias against women in prominent political roles. While women form the active base of many local and county political organizations, they have not overcome this traditional bias which assigns the American woman to a preferred place in the home. In this regard, Pennsylvania's political culture is similar to other states.

In contrast to some of the striking differences between the nine state legislatures and the general population, the legislators initially appear to accurately reflect the religious identification of the populations from which they are drawn. See the table below:

TABLE VI: Religious Preference of Legislators		
<i>Religion</i>	<i>Pennsylvania</i> <i>N = 150</i>	<i>8 Other States</i> <i>N = 911</i>
Not available	4.0%	3.5%
Protestant	64.0%	68.4%
Catholic	26.0%	24.1%
Jewish	4.7%	1.9%
Other	1.3%	0.8%
None	—	1.3%
	100.0%	100.0%

The data in Table VI, however, conceal some important differences between legislators and the general population. While approximately two-thirds of the legislators and the general population are Protestant, the legislators are more frequently drawn from upper-status Protestant sects (Episcopalian, Presbyterian, etc.) rather than lower-status churches (Baptist, Methodist, Evangelical, etc.). This different points to the importance of class or status in the recruitment process. Inasmuch as the legislature is primarily composed of middle-class professionals, one might reasonably expect to find higher-status religious denominations "overrepresented."⁷

The nine state legislatures are overwhelmingly dominated by middle and upper-middle class professionals and businessmen.⁸ These groups in American society possess both the skill and resources—motivation, opportunity, education, money, and time—to compete successfully for a place in the state legislature. They are also more likely to be successful in the legislature as law-makers, bargainers, and resolvers of conflict, three very important functions performed by the legislative process. While it is possible to argue that the legislature is not a representative institution (i.e., not representative of all population groups in the American states), such an argument unnecessarily restricts the meaning of "representation." It precludes the possibility of legislators constructively representing the interests of individuals and groups whose social and economic characteristics they do not share. Constructive representation of

⁷This, of course, assumes that church membership is based on status or class. While the fit is not perfect, a number of studies point to the close correlation between middle and upper-middle class status and membership in "Reformation time" churches (Episcopal, Presbyterian, Calvinist, Lutheran, etc.). See: Seymour Martin Lipset, *Political Man* (Garden City, New York: Anchor Books, 1963).

⁸While much of the occupational data are not ready at the present time, some information is available on the principal source of income. See table VII.

TABLE VII: Principal Source of Income

Source	Pennsylvania N = 150	8 Other States N = 911
Salary	35.3	21.7%
Self-employed	45.7%	46.5%
Hourly wage	1.3%	2.3%
Salary and self-employed	9.3%	13.4%
Salary and hourly wage	—	1.5%
Self-employed and other	2.0%	2.7%
Salary and other	4.0%	2.2%
Other	1.3%	7.5%
Not applicable	—	—
Not available	1.3%	2.1%
	100.0%	100.0%

Table VII reveals that most legislators are self-employed professionals and businessmen. Very few hourly wage earners (generally blue collar occupations) are found in the legislature. The high number of salaried individuals is accounted for by the number of firm lawyers who draw salaries.

a wide variety of societal interests has been one of the legislative process' basic features in the American political system.

Localism and Parochialism

"The recruiting elites of the constituency," Frank Sorauf wrote in 1963, "exert their influence to select candidates who will, if elected, respond to constituency values rather than those of the party."⁹ The importance of county and other local party organizations in the recruitment process in Pennsylvania emphasize the need to select candidates with local constituency appeal.¹⁰ The constituency parties search for candidates with local visibility which is partially determined by a candidate's length of residence in the state and the district. Thus, it may be argued that the highly localized party recruitment practices in Pennsylvania produce legislators with parochial constituency rather than broad party orientations.

Both Sorauf's study and the data in this study point to a high degree of localism in the recruitment of legislative candidates in Pennsylvania.¹¹ Sorauf found that eighty-six percent of the legislators interviewed were born in Pennsylvania and that over seventy percent were born in the county they represented.¹² All but four legislators had lived for more than thirty years in the county they represented.¹³ In this study, five measures of localism were employed—place of birth, length of residence in the state, length of residence in the district, location of college attended, and location of graduate or professional school attended. These measures point to a high degree of localism in the recruitment process in Pennsylvania.

While fifty-seven percent of Pennsylvania legislators were born both in the state and the district they represent, this was true of only forty-two percent of the legislators in the eight other states. See table VIII.

⁹Frank Sorauf, *Party and Representation*, (New York: Atherton Press, 1963), p. 64.

¹⁰*Ibid.*, pp. 64-65.

¹¹*Ibid.*, p. 74.

¹²*Ibid.*

¹³*Ibid.*

TABLE VIII: Place of Birth of Legislator

<i>Place of Birth</i>	<i>Pennsylvania</i> <i>N = 150</i>	<i>8 Other States</i> <i>N = 911</i>
In state and district	57.3%	42.7%
In state but not district	30.0%	27.1%
Out of state, same region	4.0%	13.6%
Out of state, other region of U. S.	6.7%	13.1%
Foreign	1.3%	2.7%
Not available	0.7%	0.8%
	100.0%	100.0%

No Pennsylvania legislator has lived in the state for less than fifteen years. But, almost four percent of the legislators in the other states have lived in their state for fourteen years or less. A significantly higher proportion of Pennsylvania legislators has lived in the state for more than forty years. See table below.

TABLE IX: Length of Residence in the State

<i>Length of Residence</i>	<i>Pennsylvania</i> <i>N = 150</i>	<i>8 Other States</i> <i>N = 911</i>
Five years or less	—	0.4%
6-9 years	—	1.3%
10-14 years	—	2.1%
15-19 years	0.7%	2.2%
20-29 years	4.0%	8.8%
30-39 years	20.0%	21.8%
40-49 years	33.9%	25.3%
50-59 years	24.7%	19.5%
60 or more years	14.7%	17.7%
Not available	2.0%	0.9%
	100.0%	100.0%

The higher degree of localism in Pennsylvania is further emphasized by length of residence in the district represented. See table below:

TABLE X: Length of Residence in the District

<i>Length of Residence</i>	<i>Pennsylvania</i> <i>N = 150</i>	<i>8 Other States</i> <i>N = 911</i>
Five years or less	0.7%	2.9%
6-9 years	1.3%	5.2%
10-14 years	7.3%	7.4%
15-19 years	5.3%	7.8%
20-29 years	12.0%	15.8%
30-39 years	18.7%	18.0%
40-49 years	27.4%	18.2%
50-59 years	18.0%	13.3%
60 years or more	8.0%	10.6%
Not available	1.3%	0.8%
	100.0%	100.0%

Fifty-three percent of Pennsylvania's legislators have lived in their district for more than forty years; only forty-two percent of the other legislators have lived in their districts for an equal number of years. Two other measures of localism (college and graduate or professional school attended) point in the same direction. See tables below:

TABLE XI: Location of College Attended		
<i>Location</i>	<i>Pennsylvania</i> <i>N = 150</i>	<i>8 Other States</i> <i>N = 911</i>
In state	59.9%	40.5%
Out of state, U. S.	16.0%	19.9%
Foreign	—	0.8%
In and out of state	2.7%	5.5%
In state and foreign	—	0.3%
Out of state and foreign	—	0.9%
All three of above	0.7%	0.2%
Not applicable	20.0%	30.6%
Not available	0.7%	1.3%
	<u>100.0%</u>	<u>100.0%</u>

TABLE XII: Location of Professional School Attend		
<i>Location</i>	<i>Pennsylvania</i> <i>N = 150</i>	<i>8 Other States</i> <i>N = 911</i>
In state	16.0%	11.3%
Out of state, U. S.	3.3%	8.1%
Foreign	—	0.5%
In and out of state	0.7%	1.5%
In state and foreign	—	—
Out of state and foreign	0.7%	0.2%
All three above	—	—
Not applicable	78.6%	77.1%
Not available	0.7%	1.3%
	<u>100.0%</u>	<u>100.0%</u>

Pennsylvania legislators are more locally rooted than their counterparts in the other states. There exists in Pennsylvania, as Sorauf says, an “iron law of localism” in the recruitment process.

If there is a higher degree of localism in Pennsylvania, does this necessarily imply that Pennsylvania legislators are more parochially oriented toward their local constituencies rather than the state party organization or the party in the legislature? Does the highly localized recruitment process pose problems of party discipline in the General Assembly? Apparently not. In a recent study, Malcolm Jewell argued: “Excluding the unanimous roll calls (most of them on minor and local issues), the level of party voting is higher in several states than it is in Congress. Examples . . . are New York, Pennsylvania, and the three southern New England states.”¹⁴ In one post-World War II session eighty percent of the members of both parties voted with their party on more than half of the divided roll calls.¹⁵ Contemporary evidence also suggests that this

¹⁴Malcolm Jewell, *The State Legislature* (New York: Random House, 1962), p. 52.

¹⁵*Ibid.*

remarkably high degree of party cohesion still exists in the Pennsylvania legislature.¹⁶

If Pennsylvania's political parties are organized around local or county constituencies, what explains their marked cohesion in the legislature? This seeming paradox is partially explained by the nonoverlapping constituencies of the two parties. The Democrats are largely a metropolitan party, representing Pittsburgh, Philadelphia, and several industrial cities in Northeastern Pennsylvania. The Republicans are primarily a small-town and, more recently, suburban party. The nonoverlapping and relatively homogeneous nature of each party's constituency provides a fortuitous basis for cohesion in the legislature. Party discipline results from a mutuality of interest rather than the exercise of the whip by the party's leadership in Harrisburg.

Tenure, Turnover, and Professionalism

High turnover and low tenure further promote a high degree of party cohesion by strengthening the legislative leadership's position in Harrisburg. A new legislator is unfamiliar with his responsibilities. During the electoral process he gives little thought to the post-election problems of decision-making. He is not knowledgeable about the legislature's characteristic ways of doing business, the formal rules and the informal folkways. Furthermore, he lacks experience and expertise on many of the substantive issues confronting the legislature. It may take an entire session for a new legislator to familiarize himself with the institution. During this period he will seek cues from the more senior members, especially the party's elected leadership. A high rate of turnover, therefore, will facilitate the leadership's control of the legislature.

In Pennsylvania and the eight other states under study more than half of the membership has served for two terms or less. At the same time, fewer than a quarter of the legislators have served for five terms or more. See table below.

TABLE XIII: Number of Terms Served in the Legislature

<i>Number of Terms</i>	<i>Pennsylvania</i> <i>N = 150</i>	<i>8 Other States</i> <i>N = 911</i>
One	28.6%	33.4%
Two	22.7%	16.7%
Three	16.7%	13.2%
Four	8.0%	10.1%
Five	6.0%	6.8%
Six	4.7%	6.5%
Seven	3.3%	3.2%
Eight	3.3%	1.8%
Nine	2.7%	1.4%
Ten or more	2.0%	4.4%
Not available	2.0%	2.6%
	100.0%	100.0%

A majority of the legislators are inexperienced. They must rely on the guidance provided by long-time members who usually dominate party leadership positions—majority and minority leader, whip, caucus chairman, etc. They are dependent upon these senior members to articulate the “safe” party position

¹⁶See, for example, Sorauf, p. 138.

and provide substantive expertise. In Pennsylvania where party leadership, exercised through the caucus, has been strong, high rates of turnover and low tenure further reenforce the legislative party's preeminence.

One other factor promotes the leadership's control over the legislative process. The legislature is viewed as a part-time occupation, especially by the middle-class professionals who occupy a dominant position in the institution. A legislative career is viewed as a transitory phase by these members. The young lawyer, for example, is first elected to the legislature in his early thirties. See table below:

TABLE XIV: Age at Time First Selected for the Legislature		
	<i>Pennsylvania</i> <i>N = 150</i>	<i>8 Other States</i> <i>N = 911</i>
<i>Age</i>		
20 - 29 years	8.0%	9.2%
30 - 39 years	33.4%	30.9%
40 - 49 years	31.3%	27.9%
50 - 59 years	22.0%	16.8%
60 - 69 years	—	9.3%
70 or more years	—	1.6%
Not available	5.3%	4.3%
	100.0%	100.0%

He uses the experience either to promote his legal practice or as a springboard for higher political office. He is an “advertiser” who uses his legislative career to promote his long-range career prospects. Given these career orientations, the young lawyer defers to the “older heads.” He soon learns that to “get along, he must go along.” Thus, he is unlikely to challenge the legislative leadership.

Historically, the state legislature has been a part-time institution. Political scientists and journalists have often charged that the part-time nature of the legislative institution is partially responsible for its decline in importance. A part-time legislator, they argue, cannot devote his time and energy to the complex tasks performed by the institution. He cannot develop the expertise necessary to understand and resolve specialized problems in such areas as housing and education. As a result, the argument concludes, the legislature has become increasingly dependent upon the executive in the formation of public policy. In an effort to alter the trend of events and attract more professionalized legislators some experts have suggested salary increases. Several states, eg. California and New York, have, in fact, raised the salary schedule markedly in the past several years. The current salary level in these two states, it is anticipated, will attract “full-time” legislators.

If the 1959 salary increase has had the effect anticipated by its advocates, then we might reasonably expect to find a higher level of professionalization than either in the 1959 session or in other states where the level of remuneration is lower than in Pennsylvania. The average annual salary in the eight other states is \$2,880.¹⁷ At this point two measures of professionalization will be em-

¹⁷These figures do not include expenses or per diem allowances. Where a biennial salary was reported, one-half of that figure was used to compute the annual salary. In North Dakota the annual salary was computed by multiplying the length of the annual session by the daily salary. Only one state, Illinois, has a higher level of remuneration than Pennsylvania. All figures are from *The Book of the States, 1968-1969* (Chicago: The Council of State Governments, 1968), pp. 52-53.

ployed: educational level and occupation. As the legislature becomes more professionalized (more nearly a full-time occupation) and more prestigious, it should attract individuals with a higher level of education and from the upper status or preferred occupations and social positions in the society. Unfortunately only limited data on occupation are available at the present time. Nevertheless, some comparisons over time in Pennsylvania and among the states may be made.

In 1958 twenty-four percent of Pennsylvania's legislative candidates either attended or graduated from college. At the present time over thirty percent of Pennsylvania's legislators have attended college. Ten years ago only twenty-one percent of the legislative candidates held advanced degrees.¹⁸ When legislators in the nine states are compared we find that only thirty-two percent of the legislators in the eight other states hold advanced degrees. Pennsylvania's legislators today are better educated than either their counterparts in the eight other states or their peers of a decade ago. The presence of a greater percentage of lawyers in the Pennsylvania legislature (30%) than in the eight other states (21%) also indicates a higher level of professionalization in Pennsylvania.

Before one may conclude that the 1959 salary increase bears sole responsibility for the increased professionalization of the Pennsylvania legislature at least one alternative explanation should be explored. Approximately half of Pennsylvania's legislators are under fifty and almost a fifth are under forty. They were educated in the years immediately following World War II, a period in which public higher education became available to the mass public in the United States. More than half of the legislators in 1958 were educated prior to World War II when mass higher education was not available in Pennsylvania and other states. While this argument explains the increased level of education of Pennsylvania legislators over the past decade, it does not account for the difference between Pennsylvania legislators and those in the eight other states. The 1959 salary increase probably has had the effect of recruiting more qualified candidates in Pennsylvania.

A legislator's occupation and educational attainment are only partial measures of the degree of legislative professionalization in a state. If the legislature is perceived as a full-time occupation by its members, then it should be neither the entry point to nor the exit from politics. A legislative career should be part of a life-time of public service, part of a pattern of party and public office-holding. Thus, one would not expect to find a highly professionalized legislature primarily composed of "youngsters" without political experience or "retired local notables" who are also political virgins. A professionalized legislature should be primarily composed of men between thirty and fifty who have spent a substantial part of their adult lives in public service careers.

A majority of Pennsylvania's legislators, as has already been noted, are in their thirties and forties. In 1958 a majority of their peers were over fifty; sixty-one percent of the Republicans and fifty percent of the Democrats were over fifty.¹⁹ The difference between the two parties is also striking. It indicates that the Republicans recruited a higher percentage of "retired local notables" from small-town and rural constituencies. This age difference further underscores the

¹⁸For the 1958 data see Sorauf, p. 69. For the current data, see Table III. The figures on advanced degrees include the L.L.B. and J.D. degree, which account for more than half of such degrees earned.

¹⁹See Sorauf, p. 66.

importance of party as a determining factor in the recruitment process in Pennsylvania.

More than half of Pennsylvania's legislators enter the institution with some prior public office experience. See tables below:

TABLE XV: Number of Public Offices Held Prior to Entrance Into Legislature

<i>Number of Offices</i>	<i>Pennsylvania N = 150</i>	<i>8 Other States N = 911</i>
One	28.0%	25.8%
2 - 5	26.0%	24.1%
6 - 9	—	1.3%
10 or more	—	0.7%
Not applicable	36.0%	38.1%
Not available	10.0%	10.0%
	<u>100.0%</u>	<u>100.0%</u>

TABLE XV(a): Number of Offices Previously Held by 1958 Legislators*

<i>Number Held</i>	<i>Democrats N = 54</i>	<i>Republicans N = 52</i>
One	53.7%	51.9%
Two - four	26.0%	40.4%
None	20.4%	7.7%
	<u>100.1% **</u>	<u>100.1% **</u>

*See Sorauf, p. 84.

**Figures do not add to 100% due to rounding error.

Superficially it appears that the Pennsylvania legislators interviewed in 1958 were more experienced (eighty percent held some prior public office) than the current membership (of which fifty-four percent have held some prior public office). The 1958 data, however, include prior service in the Pennsylvania House. The amount of prior public service probably has not significantly changed in the past decade.

When Pennsylvania's legislators are compared with their counterparts in the eight other states, no appreciable differences are found in the amount of prior public service. Sixty-two percent of Pennsylvania's legislators have held public office prior to their entrance into the legislature; sixty percent of the legislators in the eight other states have had similar public office experience. See table below:

TABLE XVI: Did You Hold Public Office Prior to Your Entrance Into the Legislature?

<i>Answers</i>	<i>Pennsylvania N = 150</i>	<i>8 Other States N = 911</i>
Yes	62.7%	60.9%
No	36.0%	38.3%
Not applicable	1.3%	0.8%
	<u>100.0%</u>	<u>100.0%</u>

The number of years of prior public service is also comparable. See table below:

TABLE XVII: Number of Years of Prior Public Office

<i>Number of Years</i>	<i>Pennsylvania N = 150</i>	<i>8 Other States N = 911</i>
Less than 5 years	14.7%	19.1%
5 - 9 years	18.7%	14.1%
10 - 14 years	13.3%	11.3%
15 - 19 years	4.0%	3.8%
20 - 29 years	4.7%	4.6%
30 - 39 years	0.7%	0.8%
40 - 49 years	—	0.3%
50 years or more	—	—
Not applicable	35.9%	38.2%
Not available	8.0%	7.8%
	100.0%	100.0%

A majority of those legislators in all nine states who have held other public offices have spent more than five years in the public service. Finally, a majority of these same legislators began their public office careers rather early in life, in their twenties and thirties. See table below:

TABLE XVIII: Age at Time First Selected for Public Office Prior to the Legislature

<i>Age</i>	<i>Pennsylvania N = 150</i>	<i>8 Other States N = 911</i>
Less than 20 years	—	0.1%
20 - 29 years	20.0%	17.5%
30 - 39 years	24.7%	23.4%
40 - 49 years	12.0%	11.5%
50 - 59 years	—	3.3%
60 - 69 years	—	1.3%
70 or over	—	—
Not applicable	36.0%	37.1%
Not available	7.3%	5.8%
	100.0%	100.0%

For these men, the legislative office is part of a life-time career in the public service. These data indicate a fair amount of professionalization in all nine state legislatures.

Thus far it has been demonstrated that legislative office is not an entry point into politics for a majority of state legislators. However, the entry point into politics has not been located in the nine states. A majority of Pennsylvania's legislators (currently and in 1958) and their counterparts in the eight other

states began their careers in local government positions. See table below:

TABLE XIX: Level of First Public Office Held Prior to Entrance Into the Legislature

<i>Level</i>	<i>Pennsylvania</i> <i>N = 150</i>	<i>8 Other States</i> <i>N = 911</i>
Local	51.9%	52.5%
State	4.0%	5.0%
National	0.7%	0.9%
Local and state	0.7%	0.3%
Local and national	0.7%	—
State and national	—	0.1%
All three	—	—
Not available	36.0%	37.8%
Not applicable	6.0%	3.4%
	<u>100.0%</u>	<u>100.0%</u>

Moreover, a majority entered the legislature directly from a local government position. See table below:

TABLE XX: Level of Last Public Office Held Prior to Entrance Into the Legislature

<i>Level</i>	<i>Pennsylvania</i> <i>N = 150</i>	<i>8 Other States</i> <i>N = 911</i>
Local	50.0%	50.4%
State	6.0%	4.9%
National	1.3%	1.2%
Local an state	0.7%	1.3%
Local and national	—	0.1%
State and national	—	—
All three	—	0.1%
Not applicable	36.0%	38.0%
Not available	6.0%	4.0%
	<u>100.0%</u>	<u>100.0%</u>

Similarly, a majority of those who held prior public office entered the legislature from exclusively local government careers. See table below:

TABLE XXI: Levels of Government of Prior Public Offices Held

<i>Levels</i>	<i>Pennsylvania</i> <i>N = 150</i>	<i>8 Other States</i> <i>N = 911</i>
Local	45.2%	47.0%
State	4.7%	3.7%
National	0.7%	0.9%
Local and state	6.0%	7.6%
Local and national	0.7%	0.3%
State and national	—	0.2%
All three of above	—	0.7%
Not applicable	36.0%	37.3%
Not available	6.7%	2.3%
	<u>100.0%</u>	<u>100.0%</u>

Although the route to the state house in the nine states generally includes some local public office experience, it does not preclude men without such experience. It also implies that at least a majority will have some familiarity with making public policy decisions.²⁰ This probably compensates somewhat for the lack of expertise which results from the high rate of turnover and low tenure in many legislatures.

Inasmuch as the legislative party occupies such central position in many state legislatures—it organizes the institution—prior party office experience should also be considered relevant in evaluating the degree of professionalization in the legislature. In the past ten years significant changes have occurred in Pennsylvania with respect to the pattern of prior party activity. In 1958 seventy-two percent of the Democrats and sixty-five percent of the Republicans held some local or state party office. See table below:

TABLE XXII(a): Party Offices Held by 1968 Legislators'

<i>Answers</i>	<i>Legislators</i>	
	<i>Democrats</i> <i>N = 54</i>	<i>Republicans</i> <i>N = 52</i>
Yes	72.6%	65.2%
No	27.8%	34.6%
Not available	0.0%	0.0%
	100.4% **	99.8% **

*Sorauf, p. 87.
 **Due to rounding error.

Currently, only half of the membership has held some party office outside of the legislature. By contrast fifty-nine percent of the legislators in the eight other states have held some party office. See table below:

TABLE XXII: Party Office Held Prior to Entrance Into Legislature

<i>Answers</i>	<i>Pennsylvania</i> <i>N = 150</i>	<i>8 Other States</i> <i>N = 911</i>
Yes	52.7%	59.7%
No	42.0%	37.5%
Not available	5.3%	2.8%
	100.0%	100.0%

These data reflect a decrease in party control over the nominating process in Pennsylvania. This is probably explained by the decline of the traditional political machine in Philadelphia and other urban areas in the period following World War II. As the machine's influence over local politics declined its ability to reward loyal party workers with a place in the legislature also declined. The death of the urban machine has had a greater effect on the recruitment process in the Democratic party because of its almost exclusively "big city" base in Pennsylvania.

²⁰Legislators in all nine states enter with a rather diverse local government background. They have held a number of executive, legislative, and judicial positions including mayor, councilman, school board member, judge, and district attorney. Hopefully, these experiences are related to many of the problems they will confront as legislators.

Conclusions

The data presented in this paper point to the central role that Pennsylvania's two parties play in the recruitment of legislative candidates. Pennsylvania's parties control the entry way to the legislature. Any reform measure designed to alter the composition of the General Assembly's membership must take this central fact into consideration. Furthermore, reform recommendations should be considered in light of their consequences or the results anticipated by their advocates. The following conclusions and recommendations are offered with these reservations in mind. Only the appropriate political actors, the members of the Commission on Legislative Modernization and the General Assembly, can choose the consequences they ultimately prefer.

1. The present system of recruitment—the closed preference primary and prior party endorsement of candidates in many districts—encourages party discipline and control in the General Assembly. Party cohesion on divided roll call votes, in turn, probably makes the parties' position on controversial questions clearer to the electorate.
2. Party cohesion and responsibility are further promoted by the relatively homogeneous nature of each party's constituency. Insofar as constituency homogeneity is a function of legislative size and districting, the current districting promotes party cohesion in Harrisburg. Either larger districts or districts which cut across urban, suburban, and rural lines as well as socio-economic lines would, therefore, undermine one basis of party cohesion. The argument in favor of relatively homogeneous constituencies should not be interpreted in a manner inconsistent with the U. S. Supreme Court's reapportionment decisions of June 16, 1964. It is possible to draw district lines consistently with both the one-man, one-vote rule and the requirement of homogeneity of interest.
3. The high rate of turnover and low tenure promote control by the party's elected and seniority leadership. In Pennsylvania this increases the power of the caucus, which is the party leadership's instrument for control. A more professionalized, full-time legislature in which high seniority is widely dispersed would probably erode this basis of party control.
4. The 1959 salary increase probably resulted in attracting more qualified legislative candidates. It helped to "professionalize" the legislature. However, another significant salary increase at the present time would probably make the legislature an attractive full-time position. This would, in turn, eliminate many individuals whose careers are inconsistent with a full-time legislative position. It would also make the legislature more attractive to lower middle-class and working class individuals.
5. The current patterns of recruitment, constituency party organization, legislative districting and constituency homogeneity, tenure, and turnover reenforce the position of the legislative party and its leadership.

3. CHARACTERISTICS OF THE GENERAL ASSEMBLY

Dr. Kenneth T. Palmer

The Pennsylvania General Assembly is characterized by two distinguishing political patterns: a high degree of party discipline and of party voting, and an enormous amount of localism and of local attachments on the part of its legislators. That these two patterns exist side-by-side is at once the genius and

the burden of the Assembly, as it is of Pennsylvania politics generally. Studies of other states have shown that none surpasses Pennsylvania in the level of party cohesion in its legislature, and that only a few states (mainly rural) reveal as strong ties between the legislator and his district as Pennsylvania does. The fascinating feature of Pennsylvania's legislative politics is that it offers a system where strong parties and deeply entrenched localism, contradictory in many ways, operate together. The partial exchange of roles, between the committees and the caucuses, when different types of issues are presented, is largely a structural manifestation of Pennsylvania's special political culture.

Suggestions for legislative reform must recognize that the Assembly works within this political culture, and that the culture itself is not likely to change quickly. In a sense, the Assembly holds the forces of party and of localism in a kind of delicate balance. It demands party cohesion from its members when essential state-wide policies are to be established, but it yields to the tugs and pulls of the districts when lesser matters are at stake. The system, to date, has functioned reasonably well, but has significantly failed to achieve much public approval or public understanding. The most needed reforms are ones which, to this writer's mind, will help to increase the responsibility of the parties, will enable legislators to perform additional services for their districts, and above all, will engender greater public interest and support for the Assembly's work.

The Political Complexion of the Legislature

Pennsylvania has a bicameral legislature consisting of a Senate of 50 members and a House of Representatives of 203 members. This is a relatively large state legislature. As of 1966, only three other states, namely, Georgia, Massachusetts, and New Hampshire, had more total state representatives. Pennsylvania, unlike some states, did not use the occasion of reapportionment (required by court order) to reduce significantly its number of legislators. The Senate has the same number of members now as it did in 1962, and the House has only seven less than it had in that year. The recently-adjourned Constitutional Convention, we may note, chose to maintain both houses at their present levels. The mere matter of size itself probably does not account for a major difference between the Pennsylvania General Assembly and other state assemblies in terms of performance. However, the difference in number of representatives, as between Senate and House, does lead to some differences in procedure, a matter to be discussed later.

The apportionment provisions now in force were handed down by the Supreme Court of the Commonwealth in 1966, after the legislature had been unable to complete the job. In legal terms, the principal changes in these rules over earlier apportionment acts are three in number. First, the former state constitutional requirement that every county must have a seat in the House was abandoned, this being in violation of federal court rulings following *Baker v. Carr*. Second, the provision (also in the state constitution) that no county could have more than one-sixth of the members of the State Senate was discarded as being similarly in violation of the "one man, one vote" rule. Finally, the 1966 apportionment does away with multi-member districts in the lower house. Until 1966, about one-half (97) House members ran in two-, three-, and four-man districts. Today both houses use single-member districts exclusively. A key question that arises from these modifications is this: What has been their

political impact? What in particular has been their effect on the party balance in the legislature?

To approach these questions, a few comments may be helpful concerning Pennsylvania's political setting. For the first 34 years of this century, Pennsylvania was a solidly Republican state, in which the Republicans controlled both houses of the General Assembly and the governorship without interruption. In 1934, Democrats elected a governor, and two years later the party gained control of both houses of the Assembly. After 1938, the Republicans returned to power, but with reduced majorities. In the last decade, the two parties have been in a strongly competitive posture, and have exchanged control of the House several times. Table I indicates the legislative strength of the parties during the past five sessions:

TABLE I
Partisan Divisions of the Pennsylvania General Assembly
1959 - 1967

	1959	1961	1963	1965	1967
House					
Rep.	102	101	109	93	104
Dem.	108	109	101	116	99
Senate*					
Rep.	28	25	27	27	27
Dem.	22	25	23	22	22

*One vacancy in 1965 and in 1967.

In both houses, a majority of the entire membership is required to pass a bill. On but one occasion in the past decade, in the 1965 House, has the majority party had more than three votes beyond the minimum number required to do this. Such finely-balanced legislative parties are surely a remarkable feature of the Pennsylvania legislature, indeed of state legislatures generally. Despite President Johnson's landslide in 1964, the large Shafer Republican vote in 1966, and two separate reapportionments (in 1964 and in 1966), the parties in the Assembly reveal a tenacious continuity of strength. Much greater variation could be found in the U. S. House of Representatives during the same period, and in such neighboring states as New Jersey and New York. In Pennsylvania, the legislative parties seem almost impervious to state and national tides. A short discussion of the causes for their permanence will help to shed light on the politics we may expect to find in the Assembly.

Basically three general factors appear to explain why party shifts in the legislature have been so minimal over the past decade. First, most legislative districts in Pennsylvania are what politicians would call safe seats. That is, they regularly elect their legislators by margins of more than 55 percent of the vote. (At the national level, such a margin of victory for a Presidential candidate is generally considered a landslide.) In 1956, for example, a Republican year nationally, legislators in 110 of the 154 legislative districts (some of which were multi-member) won by more than 55 percent of the vote. In 1958, a Democratic year in state politics, the winning candidates in 104 of the 154 districts won their seats by more than a 55 percent margin.

These figures fairly shout that both the Republican and Democratic parties have large areas of the state so firmly in their grasp that even strong national tides running in favor of the opposing party cannot dislodge them. They also imply that Pennsylvania is enormously diverse socially. People living in different parts of the state find expression for their particular political needs and interests through one (but usually not both) of the two major parties. Democrats dominate the politics of Philadelphia and Allegheny counties (from which about one-half of their state legislators come) and in the coal and steel regions in the central parts of the state. Republicans win heavily in most of the small rural counties, and in the suburban areas around Philadelphia. The overwhelming attachment of people in a particular area to the dominant party does not shift quickly from election to election.

A second factor which helps explain the continuity of party strength in the Assembly is the strength of the party organizations themselves in Pennsylvania. It would be hard to find a state that takes its politics more seriously than does Pennsylvania. Relevant to the legislative setting is the great power of party organizations in the individual legislative districts. These organizations do almost all of the recruiting of legislative candidates, and significantly, they normally police closely the legislative primaries. In 1958, Professor Sorauf found that of the 156 local constituency parties in Pennsylvania that he studied (78 legislative districts), all but 40 of these local parties supported a candidate in the primary. In most instances, this support was overt and publicized. Further, only one-third of the legislative primaries in that year were contested, a fact especially interesting in the light of the large number of one-party legislative districts. Unlike many other states, interest groups and other nonparty groups play little role in legislative recruitment and elections. Party machines dominate this process at the local level on a continuing bases.

A third factor which seems to account for the failure of the party balance to shift markedly in the legislature, despite recent reapportionments, is that Pennsylvania's older apportionment provisions (1921 in the case of the Senate; 1953 in the House) did not systematically discriminate against either of the two major parties. To be sure, huge inequities did exist between districts (in the 1963 session, for example, the most populous senatorial district was more than ten times larger than the least populous), but these imbalances did not mean that either party was impaired. To take one illustration from the State Senate, of the five least populous districts in 1963 (under 110,000), two were in Philadelphia, one was in Pittsburgh, and two were located in rural areas. The first three districts had Democratic Senators; the latter two had Republican spokesmen. Of the four most populous districts (over 500,000), one was in Philadelphia (Democratic), one was in Pittsburgh (Democratic), a third was located in Montgomery County (Republican), and the fourth was in Delaware County (Republican). A redrawing of district lines, to be sure, has had important consequences, especially for the Republican party, but it has not changed the party balance in the legislature.

Probably the most fundamental change reapportionment has brought about has been the transformation of the Republican party from a rural party into a suburban party in the General Assembly. Table II provides some evidence of this. The table indicates the size of the counties from which each party drew its strength in the House in the 1963 session (the last before reapportionment) and in the 1967 session.

TABLE II
Relationship Between County Size and Partisan Affiliation
in the 1963 and 1967 HOUSE of Representatives.

<i>Size of County</i>	<i>Republicans</i>		<i>Democrats</i>	
	<i>1963</i>	<i>1967</i>	<i>1963</i>	<i>1967</i>
More than 600,000	14	16	53	48
200,000 to 600,000	40	49	36	39
Less than 200,000	55	39	12	12
Total Legislators	109	104	101	99

As the table illustrates, the party balance has remained practically the same, but the internal structure of the Republican party has changed. The increasing numbers of suburban Republican legislators (counties of 200,000 to 600,000) are reflected in changes that have occurred in their House Republican leadership. In the 1959 session, the House Republican floor leader came from McKean County, and the House Republican whip from Cameron County (both counties are under 60,000 in population). In 1963, the floor leader (now Congressman), Albert Johnson, continued in office, but the whip's post went to a legislator from populous Montgomery County. In the current session (1967-8) the suburban counties seem very much in control. The floor leader represents a suburban Allegheny County district and the whip comes from Montgomery County.

The impact of reapportionment of the Democratic party is much less clear. Democrats have not suddenly gained new legislative seats, as they have in some states, since the older apportionment laws did not markedly discriminate against urban areas. It is probable, however, that the shift from multi-member districts to single-member districts has placed the Democratic party in a more competitive posture in at least some counties in the 200,000 to 600,000 population class. Democrats draw a few more of their members from these areas today than they did in 1962. The time may possibly come when Pennsylvania will begin to reflect a pattern currently seen in certain other industrial states: in these states, of which New York is an example, the number of one-party areas is breaking down slowly and both parties find that they have to compete all over the state. Issues and events, rather than long-standing party loyalties, tend to become the keys to legislative control. For the present, however, Pennsylvania continues as a two-party state with great social diversity, immensely strong local parties, and a consequent stability in the strength of the two Assembly parties from election to election. These factors have a very substantial impact, needless to say, on both the legislators' perceptions of their jobs and on the work and politics of the Assembly itself.

Legislative Organization

One useful way to begin a discussion of legislative organization and operation in Pennsylvania is to obtain some "feel" for the politics that surround the General Assembly.

We cannot talk about the work of the Assembly in very meaningful terms without taking into account the relationships that exist between the legislature and the governor, between the legislature and party leaders in the legislators' districts, and between the legislature and interest groups. Herein lies an impor-

tant distinction between the legislative process as it is followed in the U. S. Congress and the legislative process in the state General Assembly. To some degree, Congress works as a sort of self-contained system. Certain basic problems of organization and procedure, such as committee appointments, are handled according to rules set down by Congress itself. A strictly-followed seniority rule, for instance, makes the selection of committee chairmen in Congress automatic. When a leadership position is filled, Congress usually makes the selection of a new leader with little, if any, outside involvement by interested persons. All this is much less true of a state legislature. Outside groups regularly affect decisions of all types made in the Pennsylvania General Assembly.

In saying that the state General Assembly is a less self-contained system than is the U. S. Congress, we are not suggesting that the legislature is "bossed" or "controlled" by invisible forces in state politics, that most legislators stand helpless before agents of faceless persons who operate behind the scenes. We are suggesting that, in the light of the part-time nature of the legislature, we should expect to find other people and groups becoming involved in legislative politics to the point that we cannot really discuss the legislative process without talking about them. The current (1967) Pennsylvania Manual contains some 72 pages of rules and procedures governing the formal legislative process. Some of these are important items, but most are not. The average legislator does not understand these formal rules to be the heart of the legislative operation as he sees it. In discussing legislative organization next, and following that, legislative procedure, we shall try so far as possible to witness the system through the eyes of a legislator.

Legislative Leaders Following his election to the General Assembly in November of an even-numbered year, the Pennsylvania legislator is involved in two sorts of organizational problems. He is asked to help select a set of party leaders for the forthcoming session, and he must make up his mind on what committees he would like to sit. Each of these problems is a distinct one, but the resolution of them denotes some important common patterns in Pennsylvania's legislative politics.

The problem of filling the top leadership positions in the legislature has generally not been a subject of serious intraparty squabbling in recent years. In contrast to some southern states, where the issue of choosing a presiding officer may provoke rivalry and factionalism within the dominant Democratic party, the close two-party balance that exists in Pennsylvania has led both Democrats and Republicans to minimize conflict over leadership positions. The post of presiding officer is almost never in dispute, despite the considerable powers that go with that job. In this particular respect, both houses have shown a continuity and stability approaching that of the U. S. Congress. To illustrate, Hiram Andrews (D., Cambria) served as Democratic Speaker of the House in the 1955, 1959, and 1961 sessions. Mr. Andrews was subsequently defeated for re-election in the 1962 elections. In 1965, when Democrats again attained majority control of the House, they named their most senior member in the House, Robert Hamilton (D., Beaver), as Speaker. Little conflict seemed to develop over these selections.

On the Republican side, a similar pattern has developed. Stuart Helm (R., Armstrong) served as Speaker in both the 1957 and 1963 sessions when his party controlled the House. Mr. Helm was defeated in the 1964 elections in a race for state Auditor General. When Republicans returned to power in the

1967 session, Kenneth Lee (R., Sullivan) became the Speaker. Representative Lee had served as Republican minority leader in the 1965 session, and as majority leader in the 1963 session. He had replaced Albert Johnson (R., McKean) in late 1963 following Mr. Johnson's election to Congress. In the Senate, despite a substantial turnover of the party leaders, the post of presiding officer has gone to senior members of the controlling Republican party on an orderly basis. Sen. Harvey Taylor (R., Dauphin) served continuously as President pro tem from 1947 to 1961 when the Democrats took over organizational control of that body. Taylor was reelected in 1963 to the post when Republicans returned to power. Following Sen. Taylor's defeat in the 1964 primary elections, the position of President pro tem went to Sen. James Berger (R., Potter), who had been majority leader during the 1963 session. Following Senator Berger's electoral defeat in 1966, Sen. Robert Fleming (R., Allegheny) became the presiding officer. Sen. Fleming, a senior member of the Republican caucus, had been chairman of the Senate Appropriations Committee in the 1963 and 1965 sessions.

This brief recitation of facts concerning the presiding officers in the Assembly is not intended to suggest that disputes never occur over the selection of leaders. A fight does develop occasionally, but it is likely to be a relatively mild one, and it will usually find the same political forces in combat. Democrats must find ways of accommodating the interests of both Philadelphia and the upstate counties in their party. A general rule is followed in the Assembly that the floor leaderships in both houses should not be in the hands of Philadelphians, but that one floor leadership position generally should be. Republicans have occasionally divided along rural and suburban lines (they did so especially in the early 1960's in the House). Despite these tensions, Pennsylvania has witnessed nothing of the brawls that have occurred in some other states over the organization of the legislature. In 1965, Democrats in New York, having won majority control of both houses of the New York Assembly, squabbled for more than a month over the selection of their leaders, a fight that was ultimately resolved by the Republican minority. In Pennsylvania, the parties seem to be internally stronger as organizations. Both have been able to meet the differing needs of their members without open conflict during the process of legislative organization. And, in contrast to many other states, the average Pennsylvania legislator does not find that his vote in settling an intraparty squabble at the beginning of a legislative session determines, in great part, the kinds of committee assignments and legislative prerogatives he will enjoy during the session.

Committee Assignments How does a legislator obtain a committee position in the General Assembly? Especially, how does he become a committee chairman? If we asked the second question about the U. S. Congress, the answer would, of course, be simply "seniority." The congressional rule is that each chairmanship is assigned to that legislator of the majority party who has had the longest service on a particular committee. In Pennsylvania, seniority is recognized, but the seniority principle itself is followed much less closely than in Congress. Other factors enter into the committee-assignment process. According to legislative rules, the presiding officer in each house names both the committee chairmen and the committee members (in the House, a committee on committees assists the Speaker in assigning committee members). Because of the vast discretion the rules afford the presiding officers in this work, and also because committee assignments are the organizing problem of a session in the General

Assembly, it is well to ask what criteria govern the appointments of committee chairmen.

During the 1963 session, the writer had occasion to discuss with party leaders in both houses the general problem of committee assignments. The legislative leaders indicated that they sought to attain two goals in making committee assignments. First, they sought to unite their respective parties—this was an especially important consideration for the majority party—so that it could develop and support a program of legislation. Second, the leaders tried to name those members to key committee positions, mainly chairmanships, who had the skill and interest to contribute to that program. These two goals were not always fully compatible, but they did lead the presiding officers to follow three general criteria in the naming of committee chairmen.

In increasing order of importance, the three criteria seemed to be seniority, bargaining power, and legislative competence. The seniority principle in the General Assembly differs from the one followed in Congress. In the Pennsylvania House, the Speaker normally ranks all the members of his party according to length of service in the House, and assigns committee chairmanships to approximately the top third (there are presently 33 committees in the House and 103 Republicans). Length of service on a particular committee carries very little weight. A man may become chairman of a committee who has less seniority on that committee than some of his party colleagues. In his assignments, the Speaker is really limited only by a political understanding that a senior legislator of his party will receive a chairmanship if he wants it. But whether this position turns out to be the chairmanship of the Appropriations Committee or of a very minor unit depends on other considerations. In the Senate, most members of the majority party head a committee (there have been 21 committees in that chamber in recent years). The seniority principle in that chamber means only that senior senators will be appointed to head the more desirable committees.

The more important criteria in the assignment process involve the presiding officer's understanding of an individual legislator's bargaining power and of his legislative competence. Bargaining power refers mainly to the idea that large county delegations, especially in the House, will expect to receive a certain number of "good" assignments. Other things being equal, a legislator who heads a large-county delegation is somewhat more likely to head a major committee than a legislator from a small county encompassing only one legislative seat. In the 1963 House, for instance, the Appropriations, Ways and Means, and State Government committees were each headed by a legislator who was the senior member in a four-man or a six-man county Republican delegation. "After all," commented a legislator in one of these delegations at that time, "we have four votes, and they can't pass a bill without us." Among Democrats, Philadelphia and Allegheny counties usually manage to secure both several chairmanships and certain leadership positions, on the basis of their great bargaining power in state politics.

The most important criterion, though, in assigning chairmen is the notion of legislative competence. What, as the party leaders see him, is a competent legislator? Generally, he is a man whose appointment of a committee chairmanship will likely enhance the prestige of his party and of the Assembly for the legislative session. He is a legislator who is, by virtue of his private occupation or previous legislative experience, reasonably knowledgeable with the subject-

matter of his committee. In a part-time Assembly, he is a man who is "willing to put the time in on his committee." He should, according to a former Speaker, "know about every bill in his committee." As chairman, the legislator should be enough of a "strong man" to "sit on bad bills." Though he may be under pressure, a good chairman remains "level-headed," and he can "keep a committee going." A competent chairman is careful about the details of legislation; bills reported from his committee come out "in good shape." Finally, though the chairman should be willing to cooperate with party leaders, he should also be capable of exercising "an independent judgement." The presiding officer and the floor leader do not want to have to manage his committee for him during the session.

A legislator who clearly fills his party leader's definition of a competent legislator can sometimes secure a major appointment despite deficiencies of seniority or of legislative bargaining power. For example, in 1959, the chairman of the House Appropriations Committee, Dean Polen (D., Washington), was technically a freshman legislator. Polen had missed the previous (1957) session, but he had acquired long legislative service before that time, and he had been chairman of the Appropriations Committee in the 1955 session. His recognized skill in handling the detailed work of that committee led the Democratic Speaker in 1959 (Hiram Andrews) to name him to that key position again, despite Polen's break in consecutive service.

The assignment of legislators to committee seats, as distinct from chairmanships, is in the Assembly a more routine process. In the Senate, there are enough committees (and enough seats on each committee, about 17 on the average) to permit each senator to obtain at least five different committee assignments, and usually more. In the House, the large number of members restricts each legislator to two or three assignments. Members apply for committee positions on application forms before the session begins, and conflicts over assignments are generally resolved according to two criteria: seniority and geography. The applications of senior members are processed first, and their requests are normally granted, but some exceptions are made on geographical grounds. Party leaders try to secure representation of different parts of the state on certain committees such as Highways. Further, House Democrats usually divide up the large Philadelphia delegation among all committees so that the city delegation does not monopolize, through seniority, a number of committees on which upstate Democrats are interested in obtaining seats. These adjustments testify to the specific goals of the legislative leaders of both parties: to satisfy as many of the demands in their respective parties as they can, and to prepare their parties for the legislative session. The committee assignment process in Pennsylvania reflects the work of two strong and continuing legislative party organizations.

A needed introductory remark about the legislative process in Pennsylvania is that the significant decision-making rarely takes place where the formal rules of procedure would lead one to think that it does, namely, in the standing committees and on the floors of the two chambers. The rules of legislative procedure deal especially with all manner of floor maneuvers and technical parliamentary operations. In contrast, the rules say practically nothing about the party caucuses which, as any legislator would say, are the main centers of policy-making in the Assembly. Much of what one observes on the floor of the House and Senate is activity that is well-rehearsed and deliberated in advance in the secret party caucuses. Consequently, when we speak of the legislative process, we speak of

something that in Pennsylvania is hidden, to a large extent, from public view. In this section, I will deal first with the general operations of the committees and the caucuses. I will then take up two different categories of issues, and examine how the Assembly tries to deal with them. The two categories are: bills sponsored and supported by the governor, and bills supported by interest groups and individual legislators in which the governor has little interest. The relationships between committee and caucus vary somewhat in terms of each category.

General Features We have already implied that party and party discipline are important in the Assembly. The efforts of the parties to work out committee assignments in such a way as to reduce intraparty conflict suggest this. As we turn now to specific features of the legislature process, we may see more clearly how fully the Pennsylvania Assembly is a party-dominated legislature. Party control over legislative operations begins with the standing committees. The committees are accorded, in the official rules, nearly total power over bills in their possession. Former Speaker of the House Charles Smith stated, in 1955, that the committees in the General Assembly have "the power of life and death over a bill." Many state legislatures regulate committee work by requiring that legislative hearings be made open to the public, that records of hearings and committee votes be preserved and, in a few states, that all bills be released to the floor after a specified period. Pennsylvania is one of a handful of states that has followed none of these committee rules. Apart from formal discharge provisions, which have been ineffective in both houses in recent years, legislators on the floor of the chambers have almost no way of controlling the actions of the standing committees.

The reason why the General Assembly has very little control over its committees is, to put it simply, that party leaders want it that way. In the Assembly, the committees are only formally the agents of the House and Senate. In their day-to-day work, they are really the dependable agents of the majority party in that chamber. Part of the notion of legislative competence, as party leaders see it, is a willingness of a committee chairman to cooperate with them when a bill affecting basic party interests is at stake. A key mechanism by which this goal is attained is having the committee chairman dominate the work of his unit. A chairman in the Assembly will rarely call a meeting of his committee unless he has a bill to call up and to vote out. "You don't call a meeting just to sit around and talk," explained one 1963 House chairman. "You have a bill ready first." To the extent that the committees engage in the preparation of legislation—and this varies according to the type of issue—the chairmen will generally do it themselves. This work may involve extensive contacts with persons in and out of the Assembly, but it is normally a one-man operation. The committees are not differentiated (normally) into subcommittees, and with the exception of Appropriations they do not employ staff assistance. A "committee" in the Assembly is physically a room, a table for meetings, a desk with a telephone for the chairman, and little else. The formal meetings that occur do not generally last more than one-half hour.

Much of the "real" work, then, of the Assembly is not done in the committees, as is true of Congress, but in the party caucuses. Each legislative party in each house has its own caucus room (the majority and minority caucus rooms), and here on a weekly basis (daily for the Senate), the legislators gather to

discuss pending legislation. While a committee may kill a bill, the question of whether a bill reported from committee passes, and in what form, is an issue resolved by the caucuses, especially the majority party's caucus. A virtually fixed rule is followed in both houses that a bill will not be considered on the floor until both party caucuses have met to discuss it. The daily calendar, which lists bills in their order of consideration (second consideration, third consideration, final passage) serves as the caucus's agenda. One floor leader described the work of the caucus to the writer as follows: "We generally know where we are going on each bill before we leave."

What kind of political activity takes place in the caucus? Is it a center for pressure politics and arm-twisting? Because the caucuses are secret, some publicists have written speculative accounts of caucus activity suggesting that political manipulation and machine politics are the rule of the day. My own conversations with legislators convey a somewhat different idea. First, and importantly, most bills considered by the Pennsylvania legislature are minor and routine in character. In fact, most bills (70 per cent in a recent session) pass unanimously. Many small adjustments in laws have to be made each session; many local bills have to be passed. On these items, the caucuses do little more than acquaint the members with the contents of the bill. On the basis of caucus discussion, the majority floor leader can decide whether to run the bill to a final vote or to move to recommit it to committee, once the session is underway. In the disciplined party setting of the Assembly, the majority party does not like to move the bill along to obvious defeat, even though it may be minor in nature. Most minor bills that lack clear support are recommitted, not defeated, on the floor. No pressure is exerted to bring members into line on these bills. The caucuses serve mainly to inform the members about the bills, highly important for a part-time legislator who has no staff, and to screen out the less desirable ones.

A politically significant part of the caucuses' work is, of course, on policy bills that affect the fortunes of the governor and the parties themselves. Between 10 and 15 percent of the bills voted on in recent legislative sessions have found the two parties opposed to each other as parties on the floor. Here the caucuses, again principally the majority's caucus, may devote weeks and even months to working out a party position on an issue acceptable to most party members. Negotiation rather than pressure would be the best noun to describe this process. The very slender margin of control each party has had when it has been in control in recent sessions has made it necessary to secure nearly total agreement of the members on a bill. Sometimes the caucus may re-write an unpopular bill that the governor needs to have passed. The House Republican caucus in 1963, for example, scrapped Gov. Scranton's dual proposal for a one-half percent rise in the state sales tax, and extension of that tax to cover clothing. Instead, it worked up a bill—successfully as it turned out—raising the tax by a full one percent, but limiting the tax to items previously covered. All but one of the House Republicans supported this measure on the floor. All but two House Democrats voted against it.

One legislator has estimated that on about 2 percent of all bills considered, party leaders will make a "strong request" for the support of the members. The whip and carrot are, of course, sometimes used in these instances, but it seems fair to say that the greater part of the process is negotiation. A key factor that

minimizes the need for continuous pressure in the caucus rooms is the fact that members of each party represent somewhat different types of districts. Democrats speak for the densely populated areas of the state, the great urban centers, and the coal and steel counties. Republicans generally come from the rural and the high-income suburban areas. On a number of controversial issues—such as minimum wages, unemployment compensation, aid to cities, election procedures—Democrats are clearly inclined toward one position and Republicans toward another. Given the difference in the constituencies of the two parties, opposing party positions may thus develop with a minimum of “hard sell” on the part of the leaders. The caucus reinforces party loyalty and discipline, but it does not seem to form the central basis for it.

The Governor's Program The caucuses and the committees do not function in the same way on every kind of issue. At the risk of oversimplification, I would like in this and in the next subsection to draw a distinction between bills which constitute the heart of the governor's policy program, and legislation introduced by interest groups and by legislators themselves. Some fairly basic patterns emerge on each type of issue. When an administration bill is introduced in the House or Senate, the caucus is the primary agency for working out the issues surrounding it. The role of the committees is limited to what may be called largely tactical functions. The standing committees almost never hold hearings on administration measures (except the budget). The job of the committee chairman is essentially to report the bill out, possibly with minor amendments, on the request of his party leaders.

A good example of this is the work of the House Ways and Means Committee on recent tax legislation. During each of the last three gubernatorial administrations, approval of new tax measures has been critical in balancing the governor's budget requests. All tax legislation must constitutionally originate in the House, and these bills are first presented to the Ways and Means Committee. Because of the importance of securing approval of new taxes, the governor's party leaders in the Assembly have not been able to tolerate delay on the part of that committee. It is generally understood in the Assembly that very shortly after the introduction of tax legislation, the Ways and Means chairman will have the bill reported so that the caucus can begin to work on it. The Scranton administration's proposed rise in the sales tax, noted earlier, rested in the Ways and Means Committee for exactly one legislative day in 1963 before it was reported. In 1961, the Lawrence administration's main tax bill—a rise in the state gasoline tax—moved out of committee after two legislative days. Needless to say, party leaders take some care to appoint “reliable” legislators to the committee to perform this function.

The significance of having chairmen who work as loyal members of the majority party may be seen, perhaps more fully, in the following case illustration drawn from the 1963 session. In that year, two of the most important bills sponsored by the Scranton administration were the tax measure (discussed above) and a civil service reform bill. Governor Scranton had promised in his campaign to reduce the large number of patronage jobs in the state, and his administration developed legislation reducing this number by about 20,000. Both of these bills were initially very unpopular with Republicans in the House and Senate for obvious reasons. The civil service bill was introduced in late February, and was sent to the House State Government Committee. In mid-

March, Republican leaders considered having it reported for caucus discussion and a possible final vote. At about this time, however, the governor's fiscal planners completed their preparation of the budget. The administration now realized that when it presented the state budget, it would have to ask for a rise in taxes.

Republican party leaders, in scheduling the legislative program, foresaw a collision of these two issues. If the civil service bill was called up and placed on the House calendar, it would be about ready for a vote on the day when the governor planned to appear before the Assembly to ask for a tax increase. Since both items faced strong opposition, House leaders asked the chairman of the House committee holding the civil service measure to postpone calling it up. With his cooperation, the bill was not reported until July. By that time, the tax program had finally completed a stormy route through the Assembly and had become law. The civil service bill itself then managed to win narrow approval in both chambers.

In relation to the governor's program, then, the committees serve largely the tactical functions of timing and scheduling legislation. They will nearly always report a bill that the governor wants (unlike the situation of the President's program in Congress), and they rarely hold hearings on these measures. In the Senate, an informal procedure is followed on certain critical bills that further underscores the importance of caucus over committee in setting policy. The Senate majority caucus will sometimes discuss a bill that is in committee, to give the chairman of that committee an idea of caucus sentiment on the bill, and some advice on how to handle it. To illustrate, the Senate Republican caucus, in March and April of 1968, spent some weeks discussing a Shafer administration bill to raise teachers' salaries. The House had added more money to the measure than the administration thought that it could afford, and Senate Republicans had to decide what to do about the bill. During most of the caucus discussions on it, the bill rested technically in the hands of the Senate Education Committee until the issue was resolved by compromise. This procedure, however, is followed only with the clear permission of the chairman.

Other Issues The very subordinate place of the committees in dealing with major policy issues might lead one to question why a legislator in the Assembly would be interested in becoming a chairman. Does a chairmanship accord a legislator any specific powers? More broadly, do the committees become more decisive units in the legislative process on measures in which the governor's administration ("the front office" to the legislators) is not involved? The answers, generally, to these questions are "yes." Though the committees serve chiefly as cogs in a party machine in their handling of the governor's program, they have a much greater role to play on local and interest-group-sponsored bills. In these instances, the work of the caucus is often minimal and mainly a ratification of what the committee has already done.

To illustrate, let us examine the problem of local legislation. Pennsylvania has a Local Government Commission, which supposedly handles most local legislation, affecting boroughs, townships, cities, and counties around the state. The Commission which works between sessions deals, however, mainly with noncontroversial bills sponsored by local government interest groups. The overwhelming bulk of local legislation in the Assembly is sponsored by individual members to take care of specific problems in their districts. Under the

Pennsylvania constitution, these bills must be written to apply to broad classifications of counties, boroughs, and cities. That is, they cannot normally be written to apply to a single district (except Philadelphia and Pittsburgh) even though a problem may be unique to that district.

An example of a local bill may be helpful. Senator Henry Probert (R., Montgomery) introduced a measure (S.B. 998) in 1959 which read in part:

The county commissioners in counties of the third class (Those having populations of between 250,000-800,000) may order that the county court house and all county offices located elsewhere be closed all day on Saturdays throughout the year or during any specified period of the year.

This measure represented a small grant of power to Montgomery County designed to aid, mainly, the county-government employees. Employees there wanted to have the local court house closed on Saturdays during the summer months. The Montgomery County solicitor was sympathetic to their request, but he failed to find that existing provisions permitted the closing of the court house on Saturdays. Apprised of the problem, Sen. Probert introduced the bill to clarify the point of law. We note that the bill was drafted generally to include not only Montgomery, but eight other third class counties in Pennsylvania.

While each house has a local government committee (the House has several), these bills may go to nearly any committee depending on their subject matter. What determines whether a particular local bill will pass? When I discussed this problem with legislators in 1963, two main answers emerged: first, success depends on the sponsor's skill (and political bargaining power) on convincing his colleagues that he is serious about the bill and really needs it. Second, it depends on an understanding by other legislators that the bill will not do damage to their own districts. The second point is of extreme importance. As one chairman of a local government committee observed: "If we would send out some of these bills, ten million people could lose their home rule."

The decisions on local bills seem to be made primarily in the committees. A legislator may be asked to appear before a committee to explain his bill, and once he has done this, the members will try to ascertain the impact of the item on their own districts. This work rarely becomes partisan (unlike the handling of policy issues), and for that reason the chairman of a committee may hold extended meetings on some measures. For example, the chairman of the House Municipal Corporations Committee (in 1963) commented that he wanted to feel that all of his members "got into the discussion" on the bills of that committee. If a question came up, he noted, "we set up a subcommittee" for research. This committee apparently did its homework well. In that session, it had possession of 73 bills—mostly special-problem type items. The committee decided to report only 22 of these measures to the floor, but 19 of these received approval by the caucuses and passed the House. For local items, some of which are nearly always critical to a legislator's political standing at home, committee work is frequently decisive.

We have, then, an interesting contrast in the way the Assembly responds institutionally to different types of legislative issues. For matters of over-riding party significance, chiefly the items in the governor's program, the committees are principally the dependable agents of the majority party. Little real deliberation and negotiation takes place in committee on these questions. The caucuses are central, both in shaping the bill and in lining up votes for it. In the case of

local measures (and most interest-group bills), the committees rise in importance. They often become, in these instances, the key point in the legislative process where the fate of a measure is determined. The caucuses do not have time, and are not appropriately designed, to investigate such matters in depth. The caucuses here serve mainly to review committee decisions.

Most important for our understanding of the Pennsylvania legislative process, however, is the close political relationship that exists between these two kinds of issues. A committee chairman's cooperation on a policy bill may depend on his securing high-level support for one of his local bills. He is in an excellent position to drive such a bargain to help his district. In 1963, one senior committee chairman described how the process worked in some detail. He had a Scranton-administration bill in his committee which he said was "bad for his district." The measure provided for some new regulations on groups important to the legislator's support at home. The chairman had not seriously considered killing the item, but he had lined up support from his party leaders and from the administration for a local bill that he had sponsored, then located in another committee. His own bill supplied some minor benefits to the groups involved. "The two bills will go together on the floor," he explained. "The administration will get their bill, and I'll protect myself and my district." The strong localism that is so much a part of Pennsylvania politics seems to find expression, structurally, in the Assembly's committee system and in the bargaining power it gives to its chairmen.

4. LEGISLATIVE FACILITIES

E. B. S. Management Consultants, Inc.

One would not be guilty of understatement in saying that the General Assembly, particularly the House of Representatives, is working in accommodations not unlike those which existed at the time the Capitol was occupied in 1906. While air conditioning since has been added, fluorescent lighting has been installed and more committee rooms have been provided, the lack of adequate, our-of-Chambers workplaces for almost all the Senators and Representatives continues to exist even though there have been significant changes in the character and extent of their activities. While the main Chambers themselves continue to be adequate, most auxiliary facilities are wholly inadequate and other critically-needed facilities are non-existent.

The roles of the Legislators have changed significantly since the Capitol was occupied originally—not in terms of the Commonwealth's Constitutional provisions but in terms of demands on their time and the need to devote more attention and research effort in considering legislative measures.

There is no gainsaying that today's needs for legislative action are considerably more complicated, more extensive and more interwoven into our increasingly complex society than at the turn of the Century. Today's important bills require research and careful preparation, and this must be followed by extensive coordination effort. The legislator is expected to fathom and comprehend each such bill in order to exercise intelligently his influence and voting responsibilities, and to be able to discuss the intricacies of the bill in a purposeful way with his constituents.

This apparently is quite a contrast to the legislators' roles during the 1901-1910 era. Some of the current legislators claim it was a practice of their prede-

cessors to ascertain the desires or wishes of party leaders or certain interests and then merely vote "in line" when attending legislative sessions. There is no quick method of checking the validity of these observations but they seem credulous in the light of the declarations which the press of yesteryear openly identified.

Aside from his basic responsibility, the legislator must cope with extensive correspondence. Some of this correspondence entails research effort. Telephone calls—both incoming and outgoing—can claim the entire balance of his day after attending a legislative session. If he is a chairman or a member of one or more committees, he can find himself hopelessly involved in trying to attend overlapping sessions. Aside from these considerations, there are Representatives who claim they are often compelled to personally pick up one to ten automobile licenses for constituents, to pick up a form a farmer may need from the Department of Agriculture, to investigate a minor labor matter for an employer in his constituency, and the like.

The legislators recognize that the average solon today is better educated, better informed and more qualified with each new legislative session. They recognize a continuing improvement in the average abilities of the legislators to evaluate bills more effectively. More importantly, they recognize today's legislator's desire to be more fully informed.

Except for his assigned desk position in the appropriate legislative chamber, the average Representative does not have a desk or telephone and the average Senator finds himself in a room with three other Senators. Neither Legislator is afforded any privacy. Some ridiculous circumstances which were revealed are highlighted as follows:

- Telephone messages are often "lost" because of the frustrations in trying to locate a Representative within the Capitol;
- Another Representative allegedly keeps over twenty regular shopping bags in the back of his station wagon to accommodate his needs to maintain files;
- Representatives make a game of apprehending a filing space where and when they can in undisclosed places;
- Visitors are allowed in the Senate and House reception areas, thus necessitating a hesitancy to discuss measures with fellow Legislators, much less fellow party members;
- The batteries of telephone booths adjacent to each of the reception areas are inadequate and do not afford sufficient privacy;
- Lobbyists, reporters and guests can gain ready access to many areas and observe Legislators going in and out of certain offices or conferring with other Legislators, thus causing speculations and rumors;

It must be concluded that the existing accommodations for the Legislators, on the whole, are not adequate; for the Representatives, there are none for all intents and purposes. Finally, in comparing the Commonwealth's Legislative facilities with those of several other major states, the Commonwealth is, for the most part, a poor second. The listing below is of interest:

- | | |
|------------|--|
| California | —Private office and secretary for each Assemblyman. |
| Florida | —Private office and secretary for each Assemblyman. |
| Illinois* | —No office facilities for Assemblymen except for long-term majority members who are commissioners or committee chairmen. |

- Michigan* —Private office and secretary for each majority Senator who is a committee chairman; other majority and minority Senators have no private offices except minority leadership. Desk space is provided for the Representatives in rooms of various sizes with one secretary for each four Representatives.
- New York* —Private offices for each Senator, some having a secretary and other sharing a secretary. Desk space is provided for the Representatives in rooms of various sizes with one secretary for each Representative; certain Representatives such as majority and minority leaders have private offices. Apparently it is anticipated that each member of the General Assembly will have a private office when plans for contemplated new construction materialize.
- Ohio* —No office facilities for Senators except for president pro tempore, minority floor leader and chairman of finance committee who have private offices and individual secretaries. Similar arrangements prevail for the Representatives.

Texas —Private office and secretary for each Assemblyman.

Other states with less population have private offices for assemblymen or plan to have private offices (notably North Carolina and Oregon). Still others have semi-private facilities (notably Mississippi and Oklahoma).

EXISTING FACILITIES

A.—The Capitol

While it has a “typical” central dome and two smaller flanking domes, the Capitol admittedly is unique among the capitols in the United States largely because of the degree of art work and extent of fine finishing work. It is impressive in spite of those who claim it does not have architectural integrity. But it is obvious it was designed and built to be impressive, and during an era when various states, counties and municipalities were manifesting their pride in such structures.

The original appropriation of \$550,000 for the Capitol was made in 1899 after the previous Capitol was all but totally razed by fire on February 2, 1897. Its ultimate, final cost exceeded \$13,000,000 including furnishings. Particulars concerning the old Capitol and the present Capitol are set forth in a commemorative publication entitled “State Capitol of Pennsylvania,” printed by The Telegraph Printing Company—1906, which was released in conjunction with the dedication ceremonies of the present Capitol.

All of the outer walls apparently are weight-bearing, as are many of the inner corridor walls. For the most part, the ceilings are high and the fenestration spacing does not lend itself to economical partitioning. By all of today’s accepted standards, the Capitol is not an efficient structure but at the time of its construction efficiency was not necessarily sought.

The interiors of the Senate and House Chambers are rich; dark mahoganies, gold leaf and imposing chandeliers are some of the fine features. This is likewise

*Information derived by call Capitol; information on all other locations was derived through Council of State Governments, Atlanta, Georgia.

true of the Supreme Court and the official reception room adjacent to the Governor's suite. Much space is devoted to the rotunda and the major corridors. The floor of the rotunda and the main corridor are finished artistically in inlaid tile.

FUNCTIONAL REQUIREMENTS AND RELATIONSHIPS

Little was done to provide additional accommodations for the Legislative body. In fact, in one instance, some space which was once occupied in The Capitol by the General Assembly was actually "appropriated" for use by the executive Branch when the present majority Caucus Room of the House of Representatives was taken over by an agency of the Executive Branch. It is only in recent years that some of this space has been returned to the General Assembly.

It is interesting to note, as an example, that the General Assembly originally had 83,000 square feet allocated to it in 1906 but almost 60 years later, this allocation had increased to only 100,000 square feet or approximately 20 percent. The number of employees working for the General Assembly in 1900 is not known and, consequently, no comparison can be made with 1964 but the number of legislators has remained relatively constant.

THE GENERAL ASSEMBLY

In order to ascertain the functional requirements and relationships of the General Assembly, interviews were conducted with almost all of the members of both the Commonwealth's House of Representatives and the Senate in addition to key staff members of the Assembly. In the Addendum to this report will be found the names of all those who were interviewed, as well as complete tabulations of the interviews and commentaries.

1—The Day-to-Day Activities of the Legislator

The public is aware of the primary function of the Assemblyman: to attend legislative sessions to debate, deliberate, vote and otherwise participate in the passing of laws. This important function, however, takes up only a portion of the Assemblyman's time. In addition, most legislators are members of committees and some are Chairmen. They meet with their party associates either in formal caucus sessions or informally which, in effect, becomes an extension of his role in the legislative sessions.

But one of the demanding functions of the Assemblyman is to handle correspondence with his constituents and others. Approximately 30 percent of the members of the House of Representatives reported they wrote less than 20 letters a week. On the other hand, approximately 50 percent reported writing between 21 and 50 letters a week, with the balance of 20 percent writing over 50 letters a week. This excludes the increased volume of correspondence which occurs when important issues are at stake. The "unemployment compensation" and the "school bus" bills were two recent examples of issues in the Commonwealth which sparked keen interest of the Senators who were able to estimate the volume of their correspondence, approximately 65 percent wrote more than 50 letters per week, 25 percent wrote 21 - 50 letters per week and only 10 percent wrote less than 20 letters.

In addition, there is a great volume of phone calls to and from constituents and other interested parties. Of the members of the House, approximately

50 percent made less than 20 calls a week. Approximately 40 percent make from 21 to 50 calls per week and the remaining 10 percent make over 50 calls a week.

In addition to letters and phone calls, the Assemblyman must often contact departments of the Executive Branch to get information for his constituents or while conducting research on specific issues. Unlike the television show, "Slattery's People," the average Assemblyman in the Commonwealth has neither an assistant secretary, part-time help or any office area to enable him to do his job better. With the exception of leadership, the average House member must pick up his mail from a Post Office box in the rear of the House chamber. He then must take this mail either to his chamber desk or a bench in the hall or to his car to open. In order to dictate letters he has only the facilities of a shared pool. This is not an indictment on the pool or the personnel therein, but the average Representative finds it difficult to secure the services of a stenographer, and is distracted by having to dictate in a central room with other Representatives, where the sound of typewriters and conversation interfere with his thought processes.

As a result, many of the Representatives either do not use the pool at all, or use it sparingly. This group of legislators takes care of its correspondence either through utilization of personnel in their business offices or through family or friends.

Telephone calls likewise present a challenging problem. There are no private phones. The members must make outgoing calls at either a battery of phones provided in the respective party's offices or in the phone booths in the lounge in the rear of the chambers. In many instances, these phones are in use and a member must stand in line to make a call. All of these factors coupled with many other conditions result in a Representative being severely handicapped.

Senators while having better facilities in terms of sharing offices with four or five other Senators, also have difficulties in that there is no private place to talk with constituents, an over-all lack of privacy—a problem common to both the House and the Senate.

Several veteran members of the General Assembly stressed that the lack of facilities often resulted in qualified professional men being discouraged, when they attempted to do an adequate job in Harrisburg, and that if it is hoped to attract better legislators one not only has to give them better salary, but also provide more adequate facilities for them in which to work.

There are several possibilities to assist the Legislator. One would be the retention of the pool dictation method, with individual telephone and desk arrangements. In this instance perhaps six, eight or more Representatives might be in a large office and they could have the ability to dictate via dictating machines to a centralized pool, or have one or two girls assigned to an area. Although dictating equipment might be a solution for individual legislators, we do not believe a pool arrangement would be satisfactory for a long-range solution. One of the problems is that the legislators have many different types of correspondence and problems, accordingly they can use secretarial help that can screen their mail and do some original research on their own. In addition the housing of many Representatives in a large room would not give them an adequate place to discuss private matters with either

their constituents or other members of the Legislature. The Senate has tried this method and is generally not satisfied with it.

Accordingly, it is our belief that each member of the Assembly must be provided with private office facilities.

2—Chambers

Both the Senate and House chambers are, of course, traditional. However, because of the lack of space in the Capitol Building operations placed within them have caused functional problems. If members had mail delivered to individual offices, the Post Office would no longer have to be located in prime space. This space could be utilized to provide a private lounge for the members—in many instances lobbyists and guests are in present lounges and the members have no place to talk in private. In addition, a public lounge could be made where the Assemblymen could meet with his constituents and with lobbyists.

When telephone service is provided for in private offices there will be less need to use the telephone booths in the rear of the chamber.

3—Caucus Rooms

Both the House and Senate majority caucus rooms are on the first floor of the Capitol and are very adequate. There were some complaints in terms of the House caucus room that it was difficult to hear and that perhaps microphones might be used.

In both the Senate and the House, however, the minority caucus rooms are considered inadequate. The next section of this report deals with specific plans to adequately house the Assembly. Common to all plans, however, is the addition of minority caucus rooms for both the Senate and the House on the first floor of the Capitol, immediately opposite the respective majority caucus rooms.

4—Committees

At the present time there is considerable difficulty in the utilization of committee rooms. It is our opinion, that much of this stems from the use of these rooms not only as committee rooms but also as offices for the committee chairmen. Most House committee rooms have three chairmen's desks plus a secretary's desk in the corners of the committee room, whereas in the Senate, two chairmen share a committee room. Accordingly, when any one committee is in session, the other committee chairmen are disturbed. Likewise, the activities of these other committee chairmen disturb the committee that is in session.

In addition, the size of many of the committee rooms are insufficient and present arrangement with other desks in each room cut into the size of the committee room, so that many members are forced to either sit on a chairman's desk or stand while the meeting is in progress.

A further complication occurs when sessions overlap or when members are on two committees which have meetings which conflict.

It is believed the over-all problem can be solved by having rooms that serve as committee rooms alone and are not utilized for office space. Offices for committee chairmen would be provided for under the modular plans previously discussed. The office of key committee chairmen such as appropria-

tions, education, highway, etc. could be adjacent to the assigned committee room.

One consideration that should be made by the General Assembly themselves is whether the number of members on committees or the number of committees is proper. For instance, in the Senate, several Senators stated they were members of 9 or 10 committees and had difficulty in attending all functions. In addition, in the Senate some committees have 24 members or almost one-half the membership of the Senate. A reduction in the number and/or size of committees would alleviate some scheduling problems.

In any case, under all plans, 9 committee rooms have been allotted for the Senate and 13 for the House. Naturally, the appropriations committee of both the Senate and House would have its own committee room. The balance of the committees would be scheduled in specific rooms, depending on frequency of meetings, etc. There would be adequate space in each committee room for files, maps, etc. For some of the major committees which need adequate research, space has been allocated for them within plans which will be discussed subsequently.

It is not believed that each committee needs a private conference room. Some of the committees meet infrequently and it is believed that better scheduling plus utilization of the committee rooms for committees only will solve most of the basic problems.

5—Public Hearing Rooms

Frequently, the various committees of the House and Senate have public hearings. There are no facilities for these and often the hearings are scheduled in caucus rooms. While the caucus rooms are physically adequate, if a hearing is in progress this inconveniences the party leadership if there is a need to schedule a caucus. Conversely, if a room is preempted the hearing will have to be moved to another location causing difficulties for the committee and the public.

Accordingly, it is believed that it would be advantageous to provide two public hearing rooms to be used jointly by the Senate and House. These could be built on the first floor of the existing Capitol Building and have capacities for 50 to 100 people. On those very rare occasions when hearing rooms need to be of the larger size, there are facilities available in other buildings in the Capitol complex. For instance in the Educational Building there is an auditorium for 125 people and the Forum seats 1,900. In the North Office Building one of the Public Utility Commission room seats 138 and the new William Penn Museum Theatre seats 250. It is recognized that the occasion to use a hearing room of this size would be infrequent.

6—Leadership

While the size of the private offices of the majority and minority leaders in both the House and Senate and the Speaker of the House, Chief Clerk, etc. are adequate, what is lacking is adequate provision for staff personnel attached to these offices, proper conference facilities, and arrangements to assure privacy.

For instance, the majority and the minority whips, caucus chairmen, caucus secretaries, etc. of the House have no conference facilities.

In the case of staff of the majority and minority leadership, the admini-

strative assistants, budget analysts and legal and research counsel sit in semi-public areas and in some cases actually share desks. Accordingly, more space must be given to the leadership to assure better working conditions. Likewise, the administrative functions involving the Speaker and the Chief Clerk of the House, the President pro tempore and the Secretary of the Senate are handicapped in present space allotments. It must be recognized that perhaps more modern techniques such as electronic data processing and others could be installed and consequently more effectively utilize space, but in any case, some provisions must be made for expansion.

7—Research Facilities

At the present time the General Assembly has four main research arms, namely the Legislative Reference Bureau, the Joint State Government Commission, the Legislative Budget and Finance Committee and the Local Government Commission.

Assemblymen were almost unanimous in their opinions that better research facilities were needed. They were, however, divided as to how this could be done, and furthermore there was considerable difference of opinion as to the validity and value of the research of some of the present bureaus.

Some legislators believed that the leadership of each part should have more research help with a portion of this group assigned to the legislators themselves to do research on bills, etc.

Another number of Legislators felt that more research help should be assigned to committees. An additional number believed that each legislator should have a research assistant. It would appear that the entire research arm of the General Assembly should be evaluated before detailed facilities planning is undertaken for renovation or construction.

In any event, it can be anticipated that probable research needs in terms of space, etc. will be expanded in the future and accordingly, allotments of space for expansion of research must be considered.

8—Relationships With the Governor's Office and His Immediate Staff and Other Related Departments

With the exception of the leadership of the party associated with the Governor, few Assemblymen reported frequent contact with the Governor himself. There are some exceptions to this in terms of importance to chairmen of certain committees, long standing friends, etc. But as a general rule, the average Assemblyman does not discuss matters with the Governor frequently. On the other hand, the Legislative Secretary, Secretary and Assistant to the Governor are frequently contacted by the Assemblymen, particularly of the same party and often the Governor's staff contacts these party members in terms of legislation, etc.

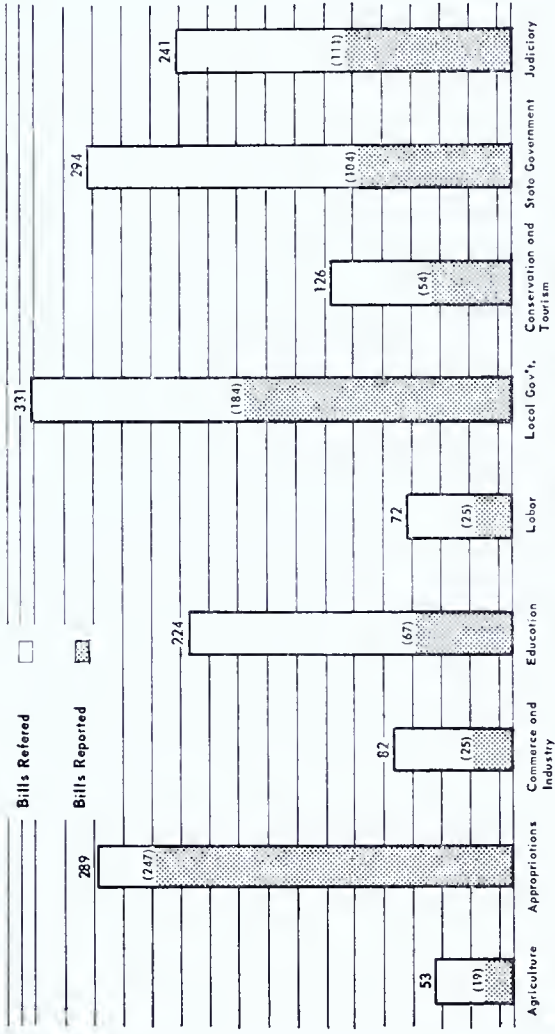
In the case of other related departments, only the Attorney General appears to have frequent contact with the Legislators for matters of legal interpretation or other problems. While there seems to be a slight degree of greater contact for fellow party members of the Attorney General, the opposite party also has frequent occasions to contact him. The Office of Administration/Budget and the Department of State has infrequent contact from the point of view of the average Assemblyman, as does the Department of Internal Affairs and the State Planning Board.

9—*Pedestrian Traffic*

An analysis was made of the flow-of-traffic throughout the existing Capitol Building. Excluding tourists (60,000 to 80,000 per year) the peak periods occur when the caucuses of the respective parties adjourn and when each session adjourns. At this time there are inordinate demands on the elevators to the back of the Capitol causing some minor delays. During the balance of the time there is a great amount of traffic about the corridors and the legislators and staff, as well as the Executive Branch personnel do daily tasks. The fact that one cannot gain access from one wing of the Capitol Building to the other wing on E floor, the second, third and fourth floors must be considered in allocations of space.

PROPOSED STANDING COMMITTEES

PROPOSED COMMITTEES



Committee	Subcommittees
Agriculture and Dairy Industry	
Appropriations	Banking and Savings, Loan Assns., Industrial Development, Insurance, Mines and Minerals, Professional Licensure, Public Utilities, Railroads and Railways
Commerce and Industry	Banking and Savings, Loan Assns., Industrial Development, Insurance, Mines and Minerals, Professional Licensure, Public Utilities, Railroads and Railways
Education	Education: Basic, Education: Higher
Labor	Labor Relations, Workmen's Compensation, Mines and Minerals, Railroads and Railways
Local Gov't.	Boroughs, Cities-County: 1st Class, Cities-County: 2nd and 2nd Class A, Cities-County: 3rd Class, Municipal Corporations, Counties, Townships
Conservation and State Government	Conservation and Natural Resources, Games and Fisheries, Mines and Minerals, Recreation and Tourism
Judiciary	State Gov't, Military and Veterans' Affairs, Elections and Apportionment, Low Order, Liquor Control
Transportation	Highways, Motor Vehicles and Highway Safety
Public Health and Welfare	Public Health and Welfare, Professional Licensure
Ways and Means	
Rules	

PRESENT COMMITTEES

APPENDIX F SIZE OF STATE LEGISLATURES, RELATED TO STATE POPULATION AND LAND AREA

State	Size of Legislature			Population				Area (Sq. Mi.)				
	Number		Rank	Total		Per Legislator		Total		Per Legislator		
	Senate	House		Total	Number (000)	Rank	Number	Rank	Number	Rank	Number	Rank
Alabama	35	106	141	23	3,540	30	25,106	34	51,060	23	362	28
Alaska	20	40	60	3	273	1	4,550	6	571,065	50	9,518	50
Arizona	30	60	90	7	1,635	17	18,167	26	113,575	45	1,262	45
Arkansas	35	100	135	20	1,969	19	14,585	20	52,499	24	389	30
California	40	80	120	15	19,163	50	159,691	50	156,573	48	1,305	46
Colorado	35	65	100	11	1,975	20	19,750	28	103,884	43	1,039	41
Connecticut	36	177	213	45	2,925	27	13,732	18	4,899	3	23	3
Delaware	18	35	53	2	523	5	9,868	14	1,978	2	37	5
Florida	48	119	167	33	5,996	42	35,904	42	54,252	25	325	26
Georgia	54	205	259	48	4,511	36	17,417	24	58,274	30	225	14
Hawaii	25	51	76	5	741	11	9,750	13	6,415	4	85	8
Idaho	35	70	105	12	699	9	6,657	10	82,708	40	788	38
Illinois	58	177	235	46	10,894	47	46,357	44	55,930	27	238	16
Indiana	50	100	150	29	4,999	39	33,327	41	36,185	13	241	17
Iowa	61	124	185	29	2,753	26	14,881	21	56,032	38	303	22
Kansas	40	125	165	32	2,275	22	13,778	19	82,048	38	497	36
Kentucky	38	100	138	21	3,191	29	23,123	32	39,863	15	289	21
Louisiana	39	105	144	24	3,660	32	25,417	35	45,106	19	313	24
Maine	34	151	185	40	973	13	5,259	7	31,012	12	168	10
Maryland	43	142	185	41	3,685	33	19,919	29	9,874	9	53	7
Massachusetts	40	240	280	49	5,421	41	19,361	27	7,867	6	28	4
Michigan	38	110	148	27	8,584	44	60,966	46	57,019	29	385	29
Minnesota	67	135	202	43	3,582	31	17,733	25	80,009	37	396	31
Mississippi	52	122	174	35	2,348	23	13,494	17	47,223	20	271	18
Missouri	34	163	197	42	4,605	38	23,376	33	69,138	33	351	27

State	Size of Legislature			Population				Area (Sq. Mi.)				
	Number			Total		Per Legislator		Total		Per Legislator		
	Senate	House	Total	Rank	Number (000)	Rank	Number	Rank	Number	Rank	Number	Rank
Montana	55	104	159	31	701	10	4,409	5	145,736	47	917	40
Nebraska	49	-	49	1	1,435	16	29,286	36	76,612	36	1,564	48
Nevada	20	40	60	4	444	4	7,400	11	106,788	44	1,780	49
New Hampshire	24	400	424	50	685	8	1,616	1	9,014	7	21	2
New Jersey	29	60	89	6	7,004	43	78,697	47	7,521	5	85	9
New Mexico	42	70	112	14	1,003	14	8,955	12	121,510	48	1,085	44
New York	57	150	207	44	18,335	49	88,575	49	47,939	21	232	15
North Carolina	50	120	170	34	5,027	40	29,571	38	49,067	22	289	20
North Dakota	49	98	147	25	639	6	4,347	4	69,457	34	472	35
Ohio	33	99	132	16	10,462	45	79,258	48	40,972	16	310	23
Oklahoma	48	99	147	26	2,496	24	16,980	23	68,887	32	469	34
Oregon	30	60	90	8	1,999	21	22,211	31	96,248	41	1,069	42
Pennsylvania	50	203	253	47	11,626	48	45,953	43	45,007	18	178	12
Rhode Island	50	100	150	30	901	12	6,007	8	1,058	1	7	1
South Carolina	50	124	174	36	2,603	25	14,960	22	30,272	11	174	11
South Dakota	35	75	110	13	674	7	6,127	9	76,378	35	694	37
Tennessee	33	99	132	17	3,888	34	29,455	37	41,762	17	316	25
Texas	31	150	181	38	10,873	46	60,072	45	262,840	49	1,452	47
Utah	28	69	97	10	1,022	15	10,536	15	82,339	39	849	39
Vermont	30	150	180	37	416	3	2,311	2	9,276	8	52	6
Virginia	40	100	140	22	4,533	37	32,379	40	39,838	14	285	19
Washington	49	99	148	28	3,089	28	20,872	30	66,709	31	451	33
West Virginia	34	100	134	19	1,798	18	13,418	16	24,079	10	180	13
Wisconsin	33	100	133	18	4,188	35	31,489	39	54,705	26	411	32
Wyoming	30	61	91	9	315	2	3,462	3	97,411	42	1,070	43

¹Rankings are arranged in an ascending order, from smallest to largest figure. Instances of identical scores were numbered consecutively by alphabetical position.

APPENDIX G

LIST OF COMMISSION RECOMMENDATIONS

The Legislator

Recommendation 1. The scheduling of legislative activities be such as to permit the members to give attention to their respective outside occupations, but that every legislator be expected to give primary attention and devotion to his legislative responsibilities and that adequate staff and other assistance be made available so as to achieve optimum utilization of his legislative time.

Recommendation 2. No changes be made in the present constitutional minimum age and residence qualifications for members of the Senate and House.

Recommendation 3. The present method of selecting candidates for election to the General Assembly through nomination by petition in closed primary be continued.

Recommendation 4. Salaries of legislators be increased from \$7,200 to \$12,000 annually.

Recommendation 5. The practice of allowing a statutory non-accountable flat allowance for expenses of legislators be discontinued and that each legislator be reimbursed for expenses actually incurred, reported and certified by him up to a maximum of \$7,000 annually.

Recommendation 6. The allowable purpose for reimbursable expenditures which should include lodging and meals while away from home on official legislative business, official postage, staff and other expenses incidental to legislative duties, and which should exclude any expenses not acceptable by the federal internal revenue service be standardized and fixed by the legislature preferably by a special compensation commission recommended elsewhere in this report.

Recommendation 7. A salary and compensation commission be established by law which will consider legislative, judicial, and executive branch salaries and reimbursable expense allowances at the beginning of each gubernatorial term; the commission to be composed of private citizens appointed by the Governor, the Speaker of the House, the President pro tempore of the Senate and the Chief Justice of the Supreme Court; the commission to review the salaries and expense allowances of the legislature, Governor and cabinet and the courts and to submit its recommendations to the General Assembly.

Recommendation 8. The present uniform benefits made available to legislators in the form of retirement, medical insurance and forthcoming group life insurance benefits to which the Commonwealth contributes are adequate and should be continued and that no additional benefits be given consideration at this time; the pension base should remain at \$7,200, regardless of a recommended salary increase.

Recommendation 9. The life and function of the code of ethics committee to be extended or a similar committee be created on a permanent basis to continuously review the changing needs and conditions governing and influencing the ethical conduct of members of the General Assembly. It should

recommend legislation as required to augment present laws which will provide for the establishment and enforcement of such standards as will assist the General Assembly in maintaining the confidence and respect of all citizens, and as will prevent the unfavorable reflection upon all legislators resulting from the conduct of a few of their number. A House and Senate bi-partisan board be created to assist in enforcing the standards established including the rendering of advisory opinions in respect to specific inquiries by legislators and lobbyists concerning ethical conduct and including the adjudication of charges of unethical conduct against legislators and lobbyists.

Recommendation 10. Legislation be enacted to require disclosure by legislators of relevant financial or occupational interests; reporting by lobbyists of expenses related to the influencing of legislation and disclosure by legislators of legal and other professional practice which could involve conflict between public and personal interests.

Recommendation 11. The General Assembly provide for regular orientation sessions for newly elected members to acquaint them with their legislative responsibilities and the facilities available to help them carry out those responsibilities and with the general structure and functions of the Commonwealth government; the orientation sessions to be organized and supervised by a joint committee appointed by the House and Senate leaders and financed from a specific appropriation.

The Legislature

Recommendation 12. The committees in both the Senate and the House be reorganized and reduced to approximately thirteen parallel standing committees (plus a committee on executive nominations in the Senate).

Recommendation 13. Committee chairmen be granted an extra \$2,000 salary annually.

Recommendation 14. At least two staff members be assigned to each reorganized committee. At least one to serve the chairman and at least one to serve the minority members. The appointment of each to be subject to the approval of his party leadership.

Recommendation 15. Funds for expenses incidental to the operation of the committee be available to the chairmen who should be accountable for the expenditures.

Recommendation 16. Contingency allowances to legislative leaders for extra expenses incident to their respective official duties be continued. The legislature by statute or joint resolution to set forth standards as to acceptable purposes of expenditures made from contingency funds.

Recommendation 17. The practice of paying supplemental staff salaries from contingency amounts be terminated, when compensation plans are adopted, as suggested, by the Joint Administrative Management Committee.

Recommendation 18. There be established a joint committee of equal numbers of members of the House and Senate, appointed by the Speaker of the House and President pro tempore of the Senate, to be known as the Joint Administrative Management Committee, and to have responsibility for establishing uniform policies with respect to the administrative, financial and personnel management of the Legislature, including such matters as personnel work-weeks and hours; job classification, qualification and pay plans (but not

appointment of staff); purchasing of supplies and equipment; office space assignment and maintenance; printing and publications; accounting systems; etc. The direct responsibility for administrative functions and housekeeping services for the House and Senate remain in the Chief Clerk of the House and Secretary of the Senate, subject to general policies established by the Joint Administrative Management Committee to which periodic management and financial reports should be made. Under the supervision of the Joint Administrative Management Committee, a modern and comprehensive personnel system, encompassing all legislative staff be developed, installed and maintained, governing the uniform job qualifications, specifications, and classifications, compensation, discipline, working hours and conditions, fringe benefits and other related matters, provided individual appointments of staff reside in the appointing authorities designated by law.

Recommendation 19. In accordance with the recent constitutional amendments steps be taken to provide annual audits by competent approved public or private auditors of the expenditures made from the contingency funds and that comprehensive reports of such audits be filed with the designated officer of each body and made available for public examination.

Recommendation 20. The General Assembly study the feasibility of coordinating and consolidating the several joint standing study commissions and service agencies (Joint State Government Commission, Local Government Commission, Budget and Finance Committee, Legislative Reference Bureau, Data Processing Center, Senate Library), and also to the relationship of these agencies to the Committees of both the House and Senate, with the objective of achieving maximum utilization of and productivity from all available research and service resources.

Recommendation 21. There be established a joint reference library, to serve members of both the House and Senate as a central collection of constitutional and statutory compilations and related legal documents; legislative journals, histories and other records; reports of special and standing legislative committees; regular and special reports of executive agencies; selected research reports; and documents and reference materials which are pertinent to and useful in the legislative process.

Recommendation 22. A legislative fellowship program, designed to familiarize citizens, editors, journalists and teachers of political science and public administrators with the state legislature, be initiated under the Joint Administrative Management Committee's supervision, providing for fellowships, carrying a substantial stipend, to be awarded to promising journalists and college and university professors who would be assigned to Majority and Minority leadership.

The Legislator as Representative

Recommendation 23. A legislative information and service department be established on a professional and non-partisan basis to which legislators can turn for information or services for their constituents from state departments and agencies.

Recommendation 24. A public information bureau be established to distribute regular summaries of legislative actions to all news media in the state.

Recommendation 25. A room be provided convenient to the halls of the two houses where interviews with legislators may be taped or filmed (the cost of such interviews not to be borne by the Commonwealth).

The Legislator as Law-Maker

Recommendation 26. The rules of the Senate be revised to permit the introduction of bills by filing with the Secretary,

a. During a session

b. Prior to the beginning of the second session of a two-year legislature

Recommendation 27. A screening committee be established by each house to reduce or eliminate the duplication of bills that as one means the rules of each house be amended to permit sponsor names to be added to a bill at any time while it remains in committee.

Recommendation 28. A synopsis of each bill be prepared by the Legislative Reference Bureau and attached to the bill at the time of introduction. The synopsis is not to be construed to have legal effect.

Recommendation 29. A fiscal note containing an estimate of the current and long-range costs or revenue loss resulting from the passage of a bill be prepared by the legislative staff and attached to the bill at the time it is reported from committee. The estimate is not to have legal effect.

Recommendation 30. A day of the week and a time be assigned by rule for regular meetings of each committee (although regular meetings might be at intervals other than weekly).

Recommendation 31. The Senate adopt and install the electric roll call system.

Recommendation 32. Both houses take appropriate steps to insure against voting on behalf of absentees.

Recommendation 33. There be parallel committees in the two houses (except for executive nominations in the Senate).

Recommendation 34. Committee chairmen in the House not serve on any other committee and members serve on at least one but not more than two committees; in the Senate due to its smaller size, chairmen and members serve on not more than three or four committees (rules committees are composed primarily of the leadership).

Recommendation 35. The composition of the committees reflect the political divisions in each house as closely as feasible, while providing an effective majority in each committee.

Recommendation 36. Committees be divided into sub-committees where warranted.

Recommendation 37. Committee procedures be regularized and formalized through the adoption by each house of rules and regulations; the rules to include but not be limited to recommendations that follow:

Recommendation 38. Schedule of committee meetings be publicized and any off-schedule meetings be announced as far in advance as possible.

Recommendation 39. Committee meetings be open to the public when bills or other formal actions are voted on, but that provisions be made for executive sessions.

Recommendation 40. Majority of the members of the committee be able to call up a bill for committee action.

Recommendation 41. A majority of the members of a committee be able to call a meeting subject to suitable advance notice by petition to the chairman or if necessary to the President pro tempore of the Senate or the Speaker of the House.

Recommendation 42. The votes of individual committee members be made public.

Recommendation 43. Committees be required to act either affirmatively or negatively on all bills before them by thirty (30) days before the date fixed for the end of the session.

Recommendation 44. Committees hold more public hearings.

Recommendation 45. Where feasible, joint hearings on the same bills be held by the appropriate committees in each house.

Recommendation 46. Legislation be enacted to require the General Assembly at the beginning of a two year legislative term adopt a joint resolution fixing a schedule for its activities (and providing for a recess midway in each year's session to give the leadership an opportunity to review progress to date, make plans, and amend the schedule if necessary); other legislative activity not to be permitted until the schedule has been adopted. The Commission suggests further that the following dates and periods would be most suitable for the schedule:

- a. Final date for introduction of bills—sixty days before adjournment (exceptions to be approved by the rules committee)
- b. Final date for committee action on bills—thirty days before adjournment (exceptions to be approved by the rules committee)
- c. Final adjournment July 31st
- d. Three days is the minimum legislative work week to go to five when the workload warrants

Recommendation 47. There be assigned to one of the existing joint study or service agencies (e.g., Joint State Government Commission, Legislative Reference Bureau) the responsibility for providing for individual legislators a central source of information and research relating to legislation, to the end that the lawmaking function of the legislator will be enhanced.

Recommendation 48. There be assigned as a function of an existing joint study or service agency (preferably the Joint State Government Commission or Legislative Reference Bureau) the responsibility for screening and reviewing all federal legislation and judicial opinions issued by the statewide or common pleas courts, to extract references to needed legislation or needed amendments of existing laws, laws declared unconstitutional, and for preparation of reports thereof for use of all members of the General Assembly.

Recommendation 49. There be established a joint reference library, to serve members of both the House and Senate as a central collection of constitutional and statutory compilations and related legal documents; legislative journals, histories and other records; reports of special and standing legislative committees; regular and special reports of executive agencies; and selected research reports, documents and reference materials which are pertinent to and useful in the legislative process.

Recommendation 50. The commendable progress made to date in applying electronic data processing techniques and equipment to facilitate legislative services and processes be continued, and the data processing function be under the general policy direction of the proposed Joint Administrative Management Committee.

Recommendation 51. The staff of the Legislative Reference Bureau be expanded in number, particularly the bill-drafting and proof-reading staff with special care being exercised to make certain that high standards of professional skill are observed, and that correspondingly adequate compensation is provided, to permit proper preparation of bills and to insure prompt drafting and advisory service to legislators. That effort be made to recruit legislative draftsmen from law schools, and that regular in-service training be instituted, utilizing as lecturers outstanding drafting experts from law schools and other states.

Recommendation 52. Efforts be made and methods studied to make the Legislative Journal a more up-to-date record of proceedings.

Recommendation 53. The responsibility for seeing to the correctness and accuracy of all legislation, whenever possible prior to its final enactment and approval of the Governor, be lodged with the legislative branch and be assigned specifically to the Legislative Reference Bureau. The Secretary of the Commonwealth should be relieved of his responsibility to proof-read laws and to correct errors therein.

Recommendation 54. Pamphlet laws be published in annual volumes, each to include the acts of a given calendar year, which should be numbered consecutively beginning with number one.

Recommendation 55. Specific completion dates be incorporated in specifications and contracts for printing laws and that such contracts be made with printers other than those utilized to print bills and other current legislative documents, when this will result in more prompt publication and distribution of laws.

Recommendation 56. A study be undertaken by the legislature of the policies and practices of free distribution of bound pamphlet laws and other publications, to determine the need and desirability of imposing reasonable restrictions upon such distribution.

The Legislator as Overseer

Recommendation 57. The function of legislative oversight over executive branch operations and programs be exercised generally through the standing committees.

Recommendation 58. That there be assigned to an existing joint study or service agency the function and responsibility of reviewing, classifying and analyzing rules and regulations issued by executive agencies which implement legislation, to evaluate the extent to which such rules and regulations carry out (or vitiate) the legislative intent, and to issue periodic reports thereon to the legislators.

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